

Common Commitment to Work, Health and Safety for Transport for NSW and NSW Regional Councils

Purpose:

In line with the expectations of our communities, this is a common commitment to work together to build a safer workplace environment. This commitment is a foundation to build on together with the aim of improving safe work practices and leadership particularly in relation to temporary works on NSW roads and bridges. This document compliments our individual legal obligations – it does not extend or replace them.

The common commitment helps us support each other to enhance our health and safety systems, build trust between organisations and upskill our workers by sharing information and having genuine safety conversations.

This is in line with the NSW Work Health and Safety Act, Regulations, specified Australian Standards and Codes of Practice and industry best practice.

Through making this commitment, senior leadership in all organisations are making a tangible commitment to safety excellence and leadership.

Our common commitment:

Together we will take reasonable steps to provide a healthy and safe workplace for all workers, contractors, suppliers and visitors involved in our work sites across NSW.

We will deliver our common commitment by:

- Fostering a positive, no blame, safety culture across our organisations through pro-active safety leadership
- Building collaboration between our organisations by being willing to share safety knowledge, systems and experiences
- Promoting continuous improvement in our operations through constructive review of safety performance
- Enhancing safety maturity and capability across regional NSW by creating and sharing training resources that enhance safety standards, safe work practices and upskill our workers.

We look forward to working together to achieve a positive safety culture.



NSW Local Government Grants Commission
5 O'Keefe Avenue NOWRA NSW 2541
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OUR REFERENCE: A871240
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Mr John Scarce
General Manager
Murrumbidgee Council

By email: johns@murrumbidgee.nsw.gov.au
cc: mail@murrumbidgee.nsw.gov.au

5 September 2023

Dear Mr Scarce

In accordance with the NSW Local Government Grants Commission's (Commission) policy of providing information to councils about the way the Commission calculates financial assistance grants (FA Grants), please find attached a summary of Council's 2023-24 estimated FA Grants entitlement (**Appendix A**).

2023-24 ESTIMATED ENTITLEMENTS

The national FA Grants total estimated entitlement for 2023-24 is \$3.11 billion and is made up of \$2.15 billion for the general purpose component (GPC) and \$0.96 billion for the local roads component (LRC). The national estimated entitlement for 2023-24 increased by \$161 million to account for final adjustments to the Consumer Price Index (CPI) and population shares for the year.

The Commonwealth Treasury's estimate of the CPI for 2022-23 was adjusted up in July 2023. When compared to the 2022-23 final adjusted amount, the total national estimated FA Grants for 2023-24 increased by 5.5%. Accordingly, the State's FA Grants allocation for 2023-24 is slightly higher than last year, however the ongoing economic impact of the pandemic and other external factors are difficult to predict.

The national GPC was distributed across the states and territories on a population basis. NSW received 31.34% or \$675.7 million in the GPC, which represents a 4.05% increase on last year's final figure. The LRC is based on a historical formula. NSW's share of the total national road funding is a fixed 29% share, or \$277.5 million, which represents a 5.5% increase. The total 2023-24 FA Grants estimated entitlement for NSW is \$953.2 million.



EXTERNAL FACTORS IMPACTING THE GPC POOL OF FUNDS IN NSW

The Commonwealth decided to pause indexation for three years from 2014-15 to 2016-17 due to budget constraints. In 2021, the impact of the global economic downturn (GED) was closely followed by the Covid-19 Pandemic. NSW also experienced devastating natural disasters, including bushfires and floods. During recent years, the Commission has been faced with these challenges, including a substantially reduced CPI in 2021. In 2023-24, the CPI has continued to trend towards previously average levels of about 3.5% to 4%. But further fluctuations cannot be ruled out.

Change of Annual Grant Entitlements	CPI % Change GPC	# of LGAs on 0% or <0%
2012-13 Final and 2013-14 Estimated	3.4	22
2013-14 Final and 2014-15 Estimated no CPI	-0.2	72
2014-15 Final and 2015-16 Estimated no CPI	-0.2	75
2015-16 Final and 2016-17 Estimated no CPI	0.1	56
2016-17 Final and 2017-18 Estimated	3.6	10
2017-18 Final and 2018-19 Estimated	3.6	12
2018-19 Final and 2019-20 Estimated	4.0	10
2019-20 Final and 2020-21 Estimated GED	0.9	33
2020-21 Final and 2021-22 Estimated Covid	1.7	29
2021-22 Final and 2022-23 Estimated Covid	3.3	9
2022-23 Final and 2023-24 Estimated Covid	4.0	*18

KEY
<i>Three years of paused CPI (only change applied was national movements in jurisdictional population shares)</i>
<i>Transition entered: # of LGAs on 0% or less had the -5% floor been retained</i>
<i>*8 metropolitan councils moved to the negative floor due to population decline as applying the per capita minimum produced a lower result than the negative floor</i>

A notable by-product of the pandemic flowing through the 2022-23 and 2023-24 grant calculations has been population decline in some metropolitan areas. This has resulted in eight metropolitan councils moving off the per capita minimum grant and instead, benefiting from the 0% floor, as councils cannot breach below 0% floor until the negative floor is resumed. This further demonstrates the need to expedite the pathway out of transition.

Council's 2023-24 FA Grants estimated entitlement, compared to the 2022-23 final entitlement is as follows:

Murrumbidgee Council				
Year	General Purpose	Local Roads	Total	
2022-23 final	\$3,652,844	\$1,950,123	\$5,602,967	Change
2023-24 est.	\$3,876,280	\$2,040,383	\$5,916,663	5.6%

To assist councils with budgets and bank reconciliations, a breakdown of the 2023-24 quarterly instalments is attached (**Appendix A**). The NSW Schedule of Payments is also attached (**Appendix B**).

IMPACT OF THE ADVANCE PAYMENTS

The Commonwealth Government decided to make an early payment of the 2023-24 estimated FA Grant entitlement to help manage the cumulative impacts of the floods and the pandemic. In June 2023, all councils were paid 100% of the estimated entitlement in advance, as calculated at that point in time (plus councils received 25% of the 2022-23 entitlement in the same year). This has resulted in the adjusted quarterly instalments for 2023-24 being significantly less than in recent years. The remainder of the grant entitlements (totalling \$45,227,839 for the state) will be paid in quarterly instalments in August 2023, November 2023, February 2024 and May 2024.

The Council of the City of Sydney and Randwick City Council's population decreases flowed through the grant calculations in the 2023-24 financial year, with both councils due to receive a reduction in the LRC. However, as the Commonwealth advance of 100% was based on the prior year's grant recommendations, both Councils received an overpayment in the LRC advance (Sydney \$35,538 and Randwick \$25,555, totalling \$62,083).

As a temporary measure to address the overpayment, the Commission made an accounting adjustment to the 2023-24 recommendations, spreading the overpayment proportionately over the other 126 councils' LRCs. This process will be reversed in 2024-25 to ensure the over and under payments reconcile with actual entitlements.

However, the Commission is concerned about the unpredictability the practice of advance payments creates. Long-term and annual budgeting forecasts are subject to changes, and annual financial statement results can often be skewed. The latest development of overpayments is beginning to impede the Commission's ability to make annual recommendations.

CHALLENGES IN FAIRLY DISTRIBUTING THE GPC FUNDS

As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. This inhibits the full application of the Horizontal Fiscal Equalisation (HFE) Principle, to distribute the grants on the basis of greatest relative need. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. The Commission has had regard to these policies in allocating the grants. The map contained in **Appendix D** identifies the rate of population change in NSW from 2002 to 2022.

Appendix D lists the revised expenditure categories, disadvantage factors, data sources used in calculating the expenditure allowance and the relative disadvantage allowance.

The Commission has been investigating ways to direct funds to councils with greatest relative need. Information about the methodology review and subsequent transition has been provided to councils, including about the recommendations for model refinements. The Commission is currently considering options for a pathway out of transition and resuming the negative floor, which is likely to commence in 2024-25. Further information about the transition and general information about the FA Grants can be found on the Commission's webpage at

<https://www.olg.nsw.gov.au/commissions-and-tribunals/#lggc>.

SPECIAL SUBMISSIONS 2023-24

Special submissions from councils for 2023-24 will be considered by the Commission. The purpose of a submission is to give councils the opportunity to present information on the financial impact of inherent expenditure disadvantages beyond councils' control that are not generally recognised in the current methodology. Please refer to the expenditure functions and Council's disadvantage factors listed in **Appendix A**. This process allows the Commission to adequately consider all legitimate factors that affect councils' capacity to deliver services.

Appendix C, titled ***Guidelines for Special Submissions***, contains guidance for preparing submissions – please read the guidelines carefully.

Submissions should be e-mailed to the Commission at olg@olg.nsw.gov.au by **30 November 2023**.

A MESSAGE OF CAUTION

There is no guarantee that a council will receive an increased FA Grant each year. There are a number of changing variables, including a council's changing measure of relative disadvantage compared to the state average measure and the size of the total FA Grant pool. Last year, the Commission advised of a possible decision to return to the GPC to a negative floor in 2024-25, which would result in some councils receiving less in the 2024-25 than they will in 2023-24. Councils have been consulted and have now been given six years to prepare. It is no longer sustainable to protect those councils with greatest relative advantage. The pathway out of transition is essential to distribute the GPC more fairly, allowing greater application of the HFE, consistent with the National Principles and NSW policy.

I would ask that this letter please be tabled at the next Council meeting.

If you have any questions concerning these matters, please contact me on (02) 4428 4131.

Yours sincerely



Helen Pearce
Executive Officer

Financial Assistance Grants 2023-24

Fact Sheet 2023



Local Government Financial Assistance Grants are paid to local councils to help them deliver services to their communities. The funds are paid annually by the Australian Government. Councils are free to use these funds at their discretion and are accountable to their communities. The Australian Government paid approximately 100% of the 2023-24 grants in advance. The remainder of the grant allocation will be paid in quarterly instalments.

2023 Update

In 2013 the Independent Local Government Review Panel recommended, *"Subject to any legal constraints, seek to redistribute Federal Financial Assistance Grants and some State grants in order to channel additional support to councils and communities with the greatest needs."* Following an extensive review of the financial assistance grant model 2013 to 2016, recommendations were made to refine and improve parts of the expenditure allowance under the General Purpose Component (GPC). In 2018 the Commission (Commission) began transitioning to refinements consistent with the National Principles and the NSW Government policy to allocate grants, as far as possible, to councils with the greatest relative disadvantage.

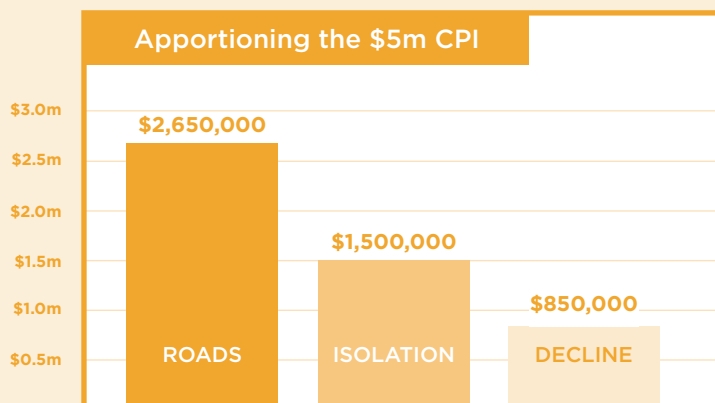
Since 2018-19, the transition arrangements have been limiting the percentage which an individual council's annual GPC can vary as follows:

- Upper limit (cap) of +5%
- Lower limit (collar) of 0%

Historically, the Commission set a range between +5% and -5%. The Commission is looking to restore caps and collars within a range of +6% to -4%. Retaining a 0% collar is resulting in more funds continuing to shift from councils with greater relative disadvantage to councils with more relative advantage. The Commission will keep the transitional arrangements for the 2023 recommendations, giving councils a sixth year to prepare. Consultation continues with the sector about the recommendations for 2024-25 and beyond and the most appropriate approach to resume the original lower limit, which may include a staged option.

Relative Disadvantage Allowance

The Commission quarantined \$5m of the CPI increase and apportioned it as an allowance for relative disadvantage.



Roads = unsealed local roads. Isolation = increased weighting for isolation allowance. Decline = councils with population decline between 2002-2022 (see negative population growth 2002-22 map page 1).



Councils with greatest relative disadvantage:

Councils with greatest relative disadvantage are generally rural and remote councils with:

- Small and declining populations
- Limited capacity to raise revenue
- Financial responsibility for sizeable networks of local roads/infrastructure & diminishing financial resources
- Relative isolation

The ongoing challenge for the Commission has been how to allocate a fairer share of the GPC to such councils when a fixed 30% of the GPC grant must be allocated based on population increases/decreases. This can result in minimum councils receiving significant increases such as occurred this year for Camden (+16.4%) and The Hills (+10.3%).

Where the Federal Government allocates a CPI increase, as occurred this year (4%), the Commission quarantines a proportion of the increase to allocate to councils with greatest relative disadvantage based on returns against 'unsealed local roads,' 'isolation' and 'population decline' (see box to the left).

In this way, some of these councils are able to achieve slightly greater than the 5% cap, consistent with the Commission's mandate from the Government.

Isolation Allowance Review

As part of its ongoing scrutiny of the currency and effectiveness of the Isolation Allowance, during 2022-23 the Commission has been engaged in testing and analysing various indicators of real cost impacts of isolation on councils.

Financial Assistance Grants 2023-24

Fact Sheet 2023



Why refine the model?

It's important to note that the Commission is not implementing a new model. Over time, the model had become very complex with an increasing number of functions and disadvantage factors. The model had 20 expenditure functions and 47 disadvantage factors applied across 128 councils plus more than 100 individual occurrences of discretionary disadvantage factors.

The Commission has taken advice, tested the competing propositions and decided to implement the recommended refinements and improvements.

The refined model:

- Allocates a higher proportion of grant funding to councils with greatest relative disadvantage
- Is consistent with the National Principles
- Is consistent with NSW policy of grant allocation
- Is transparent and publishable
- Is robust, statistically verifiable and auditable
- Uses best practice financial and modelling principles
- Is modern, simplified and more flexible

General information

Funds are allocated to NSW on the basis of the National Principles under the Federal legislation - the Local Government (Financial Assistance) Act 1995. It comprises two pools of funds - the GPC and the Local Roads Component (LRC). For 2023-24 the estimated entitlement for the GPC is \$675,648,877, and the LRC is \$277,534,692 but the funds are untied. The GPC incorporates:

- Expenditure Allowance
- Pensioner Rebate Allowance
- Revenue Allowance
- Relative Disadvantage Allowance
- Isolation Allowance

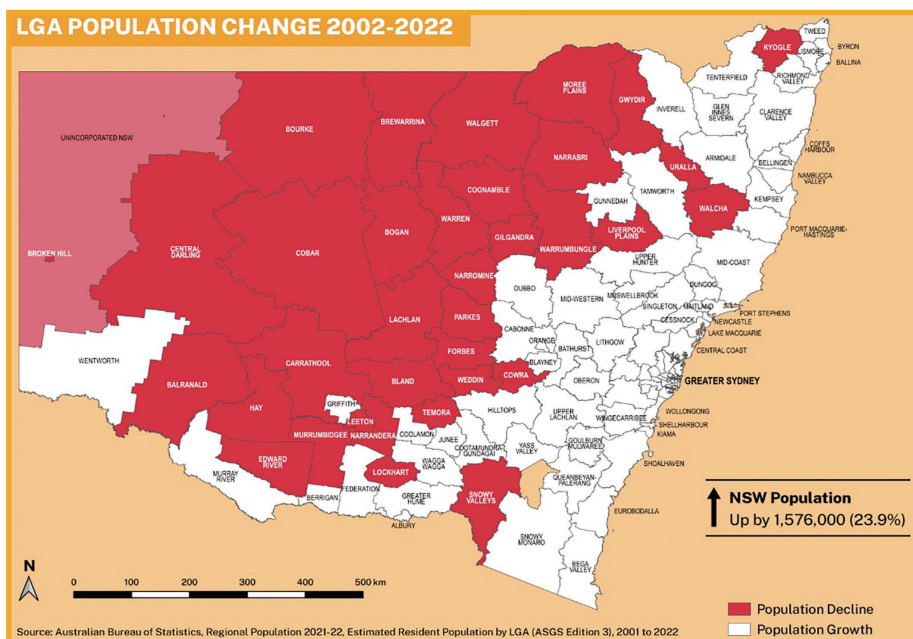
Per capita minimum grant

The legislation provides for a per capita minimum grant. The per capita minimum for 2023-24 is \$24.85. Councils on the minimum grant generally:

- Have economies of scale
- Have greater revenue raising capacity
- Are geographically smaller
- Experience year on year growth
- Are not relatively disadvantaged

There are 10 councils on the minimum grant, all located in the Sydney area. Almost 24% of the State's population live in those council areas.

Three minimum grant councils received a higher than state average increase of 4.0%, including Camden with 16.4%, The Hills with 10.3% and Hornsby on 5.2%.



General Purpose Component (GPC)

The GPC expenditure allowance remains based on council expenditure reported against the Financial Data Return grouped as follows:

- Administration & Governance
- Community Services & Education
- Recreation & Culture
- Roads, Bridges, Footpaths & Aerodromes
- Community Amenity
- Public Order, Health, Safety & Other

The 20 council functions are being retained but consolidated to six. The state average per capita cost for each function is still calculated by aggregating expenses (reported by all councils in their Financial Data Returns) for each function and divided by NSW's population.

Financial Assistance Grants 2023-24

Fact Sheet 2023



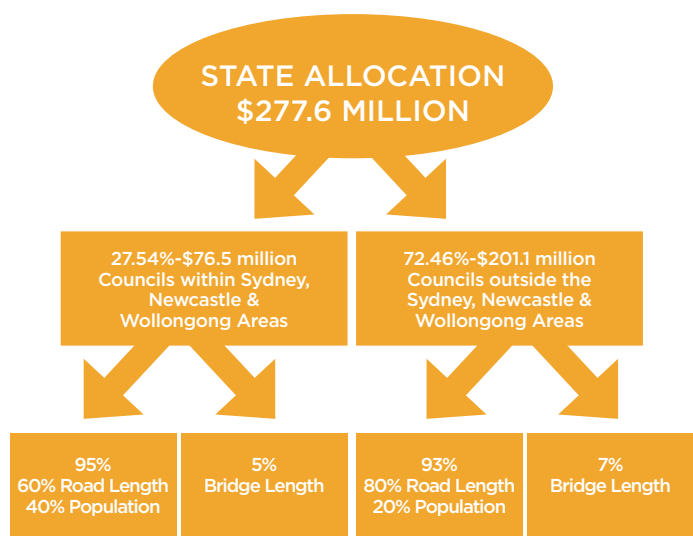
The **GPC expenditure allowance** includes five Cost Adjusters (or Disadvantage Factors/Measures) to enable the Commission to compare councils' relative disadvantage/advantage:

- Population (ABS - Total for LGA)
- Aboriginal & Torres Strait Islanders (ABS - %)
- Local road length (council - km)
- Environment (ABS - ha environmental land)
- Rainfall, topography and drainage (Consultants Willing & Partners - index)

The expenditure allowance formula is also retained:

$$\text{No. of Units (LGA Population)} \times \text{State Ave \$Cost/capita for the function} \times \text{council's disadvantage factor} = \$ \text{expenditure allowance.}$$

Distribution of Local Roads Component 2023-24 (29% of the national pool)



Submissions

The Commission invites council submissions annually. The purpose of a submission is to give a council the opportunity to present information on the financial impact of inherent expenditure disadvantages beyond its control that are not generally recognised in the current methodology. This allows the Commission to adequately consider all legitimate factors that affect councils' capacity to deliver services.

Contact the NSW Local Government Grants Commission

5 O'Keeffe Ave, Nowra NSW 2541
Locked Bag 3015, Nowra 2541
Telephone 4428 4100
olg@olg.nsw.gov.au

Related information:

<https://www.olg.nsw.gov.au/commissions-and-tribunals/grants-commission>
Includes information such as prior fact sheets, Grants Commission Circulars, reports and grant schedules.

Background and call for the review

The Independent Local Government Review Panel recommendation (Fact Sheet page 1) was supported by a number of other reviews and reports including:

2008 Assessing Local Government Revenue Raising Capacity, Productivity Commission Research Report:

"A number of councils, particularly in capital city and urban developed areas, have the means to recover additional revenue from their communities sufficient to cover their expenditures without relying on grants. However, a significant number of councils, particularly in rural (87%) and remote (95%) areas would remain dependent on grants from other spheres of government to meet their current expenditure. Given the differences in the scope to raise additional revenue across different classes of councils, there is a case to review the provision of Australian Government general purpose grants to local governments."

2010 Australia's Future Taxation System Report:

"The current requirement that each council receives 30% of its per capita share of untied financial assistance grants may prevent state grants commissions from redistributing to councils that require greater assistance."

2013 The NSW Local Government Grants Commission submission to the Commonwealth Grants Commission Review:

... "we have seen an increase in concerns being raised about:

- the widening gap in revenue raising capacity for larger metropolitan councils versus smaller rural councils;
- increasing infrastructure needs;
- declining population."

2014 The NSW Government's Response to the Local Government Review Panel:

"The Government supports targeting Financial Assistance Grants to communities with the greatest need. It will ask the NSW Grants Commission to continue to identify opportunities to achieve this over time, within the constraints imposed by the national funding principles. It will also ask the Commission to ensure transitional protection for those councils with lower levels of need, to minimise the impact of any redistribution."

2017 Shifting the Dial: 5 year Productivity Commission Review:

"The Commission's study into transitioning regional economies noted that where populations have declined in Local Government areas, related declines in revenue are hampering efforts to maintain infrastructure designed to service (and be funded) by larger populations."

APPENDIX A

LOCAL GOVERNMENT GRANTS COMMISSION 2023-24 FINANCIAL ASSISTANCE GRANTS

Murrumbidgee Council

Appendix A

General Purpose Component

Expenditure Allowance

Expenditure Functions	State ave cost per capita
Recreation and cultural	\$237.99
Admin and governance	\$279.03
Education and community	\$66.63
Roads, bridges, footpaths and aerodromes	\$216.11
Public order, safety, health and other	\$205.84
Housing amenity	\$77.49

Recreation and cultural			Pop <SS = relative disadvantage Pop >SS = 0 ATSI <SS = 0 ATSI >SS = relative disadvantage
Disadvantage Measure	LGA measure	State Std (SS)	Weighted DF%
Population	3,559	63,714	41.9%
Aboriginal & Torres Strait Islander	8.6%	3.4%	11.6%

Admin and governance			
Disadvantage Measure	LGA measure	State Std	Weighted DF%
Population	3,559	63,714	145.3%

Education and community			
Disadvantage Measure	LGA measure	State Std	Weighted DF%
Population	3,559	63,714	136.8%

Roads, bridges, footpaths and aerodromes			
Disadvantage Measure	LGA measure	State Std	Weighted DF%
Population	3,559	63,714	295.4%
Road Length	1,591	1,159	13.8%

Public order, safety, health and other			RTD <SS = 0 RTD >SS = relative disadvantage Env <SS = 0 Env >SS = relative disadvantage
Disadvantage Measure	LGA measure	State Std	Weighted DF%
Population	3,559	63,714	98.8%
Rainfall, topography and drainage index	111%	161%	0.0%
Environment (Ha of environmental lands)	26,562	55,494	0.0%

Housing amenity			
Disadvantage Measure	LGA Std	State Std	Weighted DF%
Population	3,559	63,714	23.0%

Isolation Allowance

Outside the Greater Statistical Area	Yes
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APPENDIX A
LOCAL GOVERNMENT GRANTS COMMISSION 2023-24 FINANCIAL ASSISTANCE GRANTS

Pensioner Rebate Allowance

PR <SS = relative disadvantage (+ allowance)	
PR >SS = relative advantage (- allowance)	
LGA % Pensioner Rebates (PR) Res Props:	20.3%
State Standard (SS) % PR	14.6%

Revenue Allowance

Revenue Allowance	
CV <SS = relative disadvantage (+ allowance)	
CV >SS = relative advantage (- allowance)	
No. of Urban Properties:	1,548
Standard Value Per Property:	\$483,497
Council Value (CV):	\$32,327

No. of Non-urban Properties:	900
Standard Value Per Property:	\$887,956
Council Value (CV):	\$212,505

Relative Disadvantage Allowance

Unsealed roads; Isolation; Population Decline	\$108,750
Special Submission/other adjustments	\$280

Total General Purpose Grant	\$3,876,280
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Local Roads Component

Population:	3,559
Local Road Length (km):	1,591
Length of Bridges on Local Roads (m):	409

Road/Population Allowance:	\$1,999,121
Bridge Length Allowance:	\$41,262
Local Roads Total:	\$2,040,383

Total Grant	\$5,916,663
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Quarterly Instalments Payable in 2023-24 for 2023-24 FA Grants

	August 2023	
GPC	\$64,898.00	
LRC	\$19,113.00	\$84,011.00
	November 2023	
GPC	\$64,898.00	
LRC	\$19,113.00	\$84,011.00
	February 2024	
GPC	\$64,898.00	
LRC	\$19,113.00	\$84,011.00
	May 2024	
GPC	\$64,898.00	
LRC	\$19,113.00	\$84,011.00
	TOTAL	
GPC	\$259,592.00	
LRC	\$76,452.00	\$336,044.00

2023-24 FA GRANTS Schedule of Payments Totals													
		2023-24	2023-24	2023-24	2022-23	2022-23	2022-23	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24
Councils	Population 30/6/2021	Recommended General Purpose Entitlement	Recommended Local Roads Entitlement	Recommended Total Entitlement	General Purpose CPI/Pop Adjustment	Local Roads CPI/Pop Adjustment	Total CPI/Pop Adjustment	General Purpose Advance Payment	Local Roads Advance Payment	Total Advance Payment	General Purpose Payments	Local Roads Payments	Total Payments
Albury (C)	56,598	5,811,127	1,844,500	7,655,627	272,614	79,187	351,801	5,848,388	1,831,030	7,679,418	235,353	92,657	328,010
Armidale Regional	29,317	5,377,354	2,890,409	8,267,763	247,184	125,604	372,788	5,302,762	2,904,304	8,207,066	321,776	111,709	433,485
Ballina (S)	46,760	3,879,204	1,834,605	5,713,809	179,208	78,940	258,148	3,844,494	1,825,302	5,669,796	213,918	88,243	302,161
Bairnsdale (S)	2,198	3,967,686	1,654,530	5,622,216	178,810	71,855	250,665	3,835,963	1,661,490	5,497,453	310,533	64,895	375,428
Bathurst Regional	44,074	5,228,922	2,505,234	7,734,156	241,702	111,073	352,775	5,185,158	2,568,312	7,753,470	285,466	47,995	333,461
Bayside	177,629	4,414,494	1,455,341	5,869,835	210,034	63,495	273,529	4,505,806	1,468,189	5,973,995	118,722	50,647	169,369
Bega Valley (S)	35,972	6,397,024	2,610,892	9,007,916	294,270	110,176	404,446	6,312,895	2,547,566	8,860,461	378,399	173,502	551,901
Bellingen (S)	13,219	3,777,386	1,191,567	4,968,953	172,654	51,280	223,934	3,703,908	1,185,729	4,889,637	246,132	57,118	303,250
Berrigan (S)	8,657	4,361,348	1,748,015	6,109,363	200,703	76,154	276,857	4,305,626	1,760,916	6,066,542	256,425	63,253	319,678
Blacktown (C)	410,419	14,617,567	4,604,324	19,221,891	707,626	192,475	900,101	15,180,508	4,450,545	19,631,053	144,685	346,254	490,939
Bland (S)	5,487	6,076,001	3,766,133	9,842,134	278,371	163,771	442,142	5,971,810	3,786,847	9,758,657	382,562	143,057	525,619
Blayney (S)	7,588	2,427,939	1,077,133	3,505,072	111,175	46,528	157,703	2,385,016	1,075,838	3,460,854	154,098	47,823	201,921
Blue Mountains (C)	77,905	8,658,535	1,658,519	10,317,054	406,396	72,068	478,464	8,718,304	1,666,423	10,384,727	346,627	64,164	410,791
Bogan (S)	2,455	3,888,525	1,809,477	5,698,002	174,738	78,500	253,238	3,748,602	1,815,164	5,563,766	314,661	72,813	387,474
Bourke (S)	2,350	5,883,153	2,404,695	8,287,848	263,893	104,519	368,412	5,661,218	2,416,761	8,077,979	485,828	92,453	578,281
Brewarrina (S)	1,438	4,493,402	1,634,059	6,127,461	197,798	70,947	268,745	4,243,302	1,640,466	5,883,768	447,898	64,540	512,438
Broken Hill (C)	17,567	5,932,680	603,645	6,536,325	268,768	25,984	294,752	5,765,815	600,856	6,366,671	435,633	28,773	464,406
Burwood	40,747	1,076,865	340,983	1,417,848	49,648	14,695	64,343	1,065,083	339,805	1,404,888	61,430	15,873	77,303
Byron (S)	36,398	2,557,792	1,522,885	4,080,677	119,476	65,978	185,454	2,563,081	1,525,591	4,088,672	114,187	63,272	177,459
Cabonne	13,825	3,783,167	2,570,269	6,353,436	173,400	111,440	284,840	3,719,895	2,576,816	6,296,711	236,672	104,893	341,565
Camden	127,637	3,172,078	2,174,391	5,346,469	131,888	90,232	222,120	2,829,357	2,086,428	4,915,785	474,609	178,195	652,804
Campbelltown (C)	180,231	8,961,733	2,319,550	11,281,283	433,831	99,030	532,861	9,306,863	2,289,881	11,596,744	88,701	128,699	217,400
Canada Bay (C)	89,139	2,281,995	759,029	3,041,024	110,470	34,117	144,587	2,369,878	788,859	3,158,737	22,587	4,287	26,874
Canterbury-Bankstown	371,726	9,238,256	3,267,955	12,506,211	435,832	142,064	577,896	9,349,776	3,284,932	12,634,708	324,312	125,087	449,399
Carrathool (S)	2,824	5,090,148	2,917,424	8,007,572	230,698	126,515	357,213	4,949,093	2,925,404	7,874,497	371,753	118,535	490,288
Central Coast	348,930	24,806,634	5,481,946	30,288,580	1,164,335	237,687	1,402,022	24,978,156	5,495,982	30,474,138	992,813	223,651	1,216,464
Central Darling (S)	1,745	5,803,838	1,994,345	7,798,183	260,591	86,599	347,190	5,590,378	2,002,427	7,592,805	474,051	78,517	552,568
Cessnock (C)	65,780	6,448,245	2,315,426	8,763,671	302,387	96,249	398,616	6,487,030	2,229,684	8,716,714	263,602	182,171	445,773
Clarence Valley	54,580	8,987,974	4,107,857	13,095,831	420,826	176,940	597,766	9,027,861	4,091,350	13,119,211	380,939	193,447	574,386
Cobar (S)	4,052	5,474,888	2,147,663	7,622,551	249,346	93,454	342,800	5,349,151	2,160,911	7,510,062	375,083	80,206	455,289
Coffs Harbour (C)	79,598	6,181,259	2,808,634	8,989,893	288,825	121,071	409,896	6,196,092	2,799,502	8,995,594	273,992	130,203	404,195
Coolumpton (S)	4,463	3,187,054	1,612,516	4,799,570	146,735	69,841	216,576	3,147,873	1,614,915	4,762,788	185,916	67,442	253,358
Coonamble (S)	3,823	3,701,748	2,047,522	5,749,270	167,591	80,060	247,651	3,595,274	1,851,212	5,446,486	274,065	276,370	550,435
Cootamundra-Gundagai Regional	11,394	4,682,696	1,957,740	6,640,436	216,190	84,667	300,857	4,637,867	1,957,728	6,595,595	261,019	84,679	345,698
Cowra (S)	12,690	4,198,641	1,812,677	6,011,318	192,183	78,745	270,928	4,122,858	1,820,799	5,943,657	267,966	70,623	338,589
Cumberland	237,129	6,972,737	2,195,743	9,168,480	337,545	92,619	430,164	7,241,270	2,141,608	9,382,878	69,012	146,754	215,766
Dubbo Regional	55,843	9,434,508	4,277,347	13,711,855	442,055	184,179	626,234	9,483,291	4,258,723	13,742,014	393,272	202,803	596,075
Dungog (S)	9,707	2,279,224	1,159,439	3,438,663	104,376	50,088	154,464	2,239,141	1,158,154	3,397,295	144,459	51,373	195,832
Edward River	8,454	5,092,560	1,894,834	6,987,394	235,754	82,832	318,586	5,057,577	1,915,324	6,972,901	270,737	62,342	333,079
Eurobodalla (S)	40,732	6,518,101	2,106,658	8,624,759	301,362	90,207	391,569	6,465,048	2,085,846	8,550,894	354,415	111,019	465,434
Fairfield (C)	206,644	8,082,320	2,090,125	10,172,445	391,259	90,461	481,720	8,393,584	2,091,679	10,485,263	79,995	88,907	168,902
Federation	12,852	5,695,862	2,802,861	8,498,723	265,653	121,176	386,829	5,698,990	2,801,926	8,500,916	262,525	122,111	384,636
Forbes (S)	9,342	4,543,145	2,418,878	6,962,023	208,983	105,447	314,430	4,483,248	2,438,224	6,921,472	268,880	86,101	354,981
Georges River	153,055	3,803,773	1,356,062	5,159,835	183,426	59,439	242,865	3,934,997	1,374,391	5,309,388	52,202	41,110	93,312
Gillandra (S)	4,300	3,463,185	1,679,732	5,142,917	231,158	72,780	303,938	3,397,640	1,682,863	5,080,503	223,923	69,649	293,572
Glen Innes Severn	8,935	3,738,839	1,716,610	5,455,449	170,541	73,996	244,537	3,658,571	1,710,993	5,369,564	250,809	79,613	330,422
Goulburn Mulwaree	32,394	4,276,636	2,253,608	6,530,244	197,006	97,755	294,761	4,226,307	2,260,364	6,486,671	247,335	90,999	338,334
Greater Hume (S)	11,238	4,239,663	2,626,032	6,865,695	194,851	113,610	308,461	4,180,085	2,626,974	6,807,059	254,429	112,668	367,097
Griffith (C)	26,994	5,125,940	1,948,186	7,074,126	322,051	87,673	409,728	5,028,046	2,027,259	7,055,305	332,272	86,000	418,272
Gunnedah (S)	13,125	3,908,859	2,013,850	5,922,709	178,868	87,046	265,914	3,837,200	2,012,744	5,849,944	250,527	88,152	338,679
Gwydir (S)	4,915	3,810,578	2,724,219	6,534,797	172,983	101,221	274,204	3,710,963	2,340,477	6,051,440	272,598	484,963	757,561

2023-24 FA GRANTS Schedule of Payments Totals																		
	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24
Hawkesbury (C)	67,815	2,950,542	2,094,603	5,045,145	142,794	91,389	234,183	3,063,318	2,113,174	5,176,492	30,018	72,818	102,836					
Hay (S)	2,828	3,219,970	1,010,007	4,229,977	145,321	43,901	189,222	3,117,532	1,015,100	4,132,632	247,759	38,808	286,567					
Hills (S)	19,228	4,947,019	2,636,616	7,583,635	217,162	111,084	328,246	4,658,710	2,568,551	7,227,261	505,471	179,149	684,620					
Hilltops	199,056	6,553,927	3,506,473	10,060,400	304,963	152,250	457,213	6,542,285	3,520,450	10,062,735	316,605	138,273	454,878					
Hornsby (S)	151,713	3,770,459	1,748,297	5,518,756	173,561	75,540	249,101	3,723,350	1,746,699	5,470,049	220,670	77,138	297,808					
Hunters Hill (M)	13,416	418,056	188,804	566,860	19,274	6,722	25,996	413,483	155,516	568,999	23,847	10	23,857					
Inner West	182,886	4,752,436	1,600,449	6,352,885	230,062	72,129	302,191	4,935,461	1,667,807	6,603,268	47,037	4,771	51,808					
Inverell (S)	17,943	5,152,810	2,773,021	7,925,831	235,806	120,076	355,882	5,058,688	2,776,495	7,835,183	329,928	116,602	446,530					
Junees (S)	6,453	2,570,285	1,145,899	3,716,184	117,694	50,594	168,288	2,524,850	1,169,895	3,694,745	163,129	26,598	189,727					
Kempsey (S)	31,118	5,407,819	2,369,306	7,777,125	248,698	101,540	350,238	5,335,258	2,347,874	7,683,132	321,259	122,972	444,231					
Kiama (M)	22,925	1,555,812	612,434	2,168,246	71,480	27,060	98,540	1,533,437	625,681	2,159,118	93,855	13,813	107,668					
Kur-ring-gai	124,108	3,084,373	1,382,598	4,466,971	145,752	60,320	206,072	3,126,779	1,394,771	4,521,550	103,346	48,147	151,493					
Kyogle	9,418	3,802,159	1,998,010	5,800,169	172,707	86,049	258,756	3,705,042	1,989,700	5,694,742	269,824	94,359	364,183					
Lachlan (S)	6,131	7,596,226	4,237,613	11,833,839	348,164	183,758	531,922	7,469,061	4,249,000	11,718,061	475,329	172,371	647,700					
Lake Macquarie (C)	216,428	15,671,325	3,499,103	19,170,428	735,521	149,962	885,483	15,778,927	3,467,547	19,246,474	627,919	181,518	809,437					
Lane Cove (M)	40,028	1,059,187	353,096	1,412,283	49,089	15,306	64,395	1,053,098	353,936	1,407,034	55,178	14,466	69,644					
Leeton (S)	11,434	4,454,842	1,307,417	5,762,259	202,794	56,605	259,399	4,350,475	1,308,883	5,659,358	307,161	55,139	362,300					
Lismore (C)	44,202	5,281,644	2,439,566	7,721,210	243,388	105,616	349,004	5,221,327	2,442,124	7,663,451	303,705	103,058	406,763					
Lithgow (C)	20,810	4,485,790	1,568,617	6,054,407	206,168	68,760	274,928	4,422,871	1,589,908	6,012,779	269,087	47,469	316,556					
Liverpool (C)	239,430	7,098,560	2,958,642	10,057,202	343,636	127,005	470,641	7,371,931	2,936,692	10,308,623	70,265	148,955	219,220					
Liverpool Plains (S)	7,655	3,229,373	1,715,498	4,944,871	147,233	74,586	221,819	3,158,556	1,724,618	4,883,174	218,050	65,466	289,516					
Lockhart (S)	3,365	2,946,888	1,686,139	4,633,027	135,585	208,579	208,579	2,908,659	1,687,840	4,596,499	173,814	71,293	245,107					
Lord Howe Island (Bd)	445	330,750	-	330,750	15,388	-	15,388	330,121	-	330,121	16,017	-	16,017					
Maitland (C)	93,497	6,547,063	1,826,481	8,373,544	307,252	77,485	384,737	6,591,402	1,791,686	8,383,088	262,913	112,280	375,193					
Mid-Coast	97,090	14,978,476	6,785,682	21,764,158	691,843	293,607	985,450	14,841,931	6,789,010	21,630,941	828,388	290,279	1,118,667					
Mid-Western Regional	25,760	5,319,549	3,077,415	8,396,964	243,692	133,439	377,131	5,227,865	3,085,479	8,313,344	335,376	125,375	460,751					
Moree Plains (S)	12,850	6,361,591	3,605,467	9,967,058	293,003	156,372	449,375	6,285,722	3,615,724	9,901,446	368,872	146,115	514,987					
Mosman (M)	28,100	822,046	278,657	1,100,703	39,795	12,435	52,230	853,704	287,547	1,141,251	8,137	3,545	11,682					
Murray River	13,007	6,779,601	3,681,486	10,461,087	313,583	158,568	472,151	6,727,205	3,666,532	10,393,737	365,979	173,522	539,501					
Murrumbidgee	3,559	3,876,280	2,040,076	5,916,356	176,832	88,774	265,606	3,793,521	2,052,704	5,846,225	259,591	76,146	335,737					
Muswellbrook (S)	16,516	3,419,346	1,126,109	4,545,455	156,904	49,318	206,222	3,666,013	1,140,363	4,806,376	210,237	35,064	245,301					
Nambucca Valley	20,571	3,639,089	1,549,927	5,189,016	167,112	66,055	233,167	3,585,008	1,527,377	5,112,385	221,193	88,605	309,798					
Narrabri (S)	12,692	6,153,145	2,930,399	9,083,544	285,259	127,379	412,638	6,119,586	2,945,364	9,064,950	318,818	112,414	431,232					
Narrandera (S)	5,702	4,171,676	1,978,356	6,150,032	192,581	85,942	278,523	4,131,389	1,987,231	6,118,620	232,868	77,067	309,935					
Narramine (S)	6,425	3,791,647	1,809,156	5,600,803	175,571	78,378	253,949	3,766,483	1,812,320	5,578,803	200,735	75,214	275,949					
Newcastle (C)	171,316	12,040,279	2,217,202	14,257,481	565,126	95,707	660,833	12,123,497	2,213,023	14,336,520	481,908	99,886	581,794					
Northern Beaches	69,256	1,753,671	571,125	2,324,796	84,894	25,513	110,407	1,821,208	589,917	2,411,125	17,357	6,721	24,078					
Oberon	5,569	2,414,600	2,676,103	9,214,513	313,474	117,461	430,935	6,724,883	2,716,024	9,440,907	127,001	77,540	204,541					
Orange (C)	43,906	4,329,149	1,497,912	5,827,061	199,510	64,245	263,755	4,280,031	1,485,530	5,765,561	248,628	76,627	325,255					
Parkees (S)	14,342	5,404,450	2,655,471	8,059,921	249,021	115,450	364,471	5,342,172	2,669,541	8,011,713	311,299	101,380	412,679					
Parramatta (C)	259,878	7,980,620	2,451,007	10,431,627	386,336	106,015	492,351	8,287,968	2,451,360	10,739,328	78,988	105,662	184,650					
Pennrith (C)	220,786	9,270,381	3,211,415	12,481,796	448,772	138,905	587,677	9,627,392	3,211,874	12,839,266	91,761	138,446	230,207					
Port Macquarie-Hastings	88,145	7,393,735	3,755,135	11,148,870	346,893	162,126	509,019	7,441,799	3,748,792	11,190,591	298,829	168,469	467,298					
Port Stephens	76,540	6,324,208	1,560,547	7,884,755	296,629	67,173	363,802	6,363,493	1,553,213	7,916,706	257,344	74,507	331,851					
Queanbeyan-Palerang Regional	64,189	4,279,177	3,207,060	7,486,237	200,443	136,308	336,751	4,300,056	3,151,829	7,451,885	179,564	191,539	371,103					
Randwick (C)	135,742	3,651,848	1,145,110	4,796,958	176,783	51,761	228,544	3,792,488	1,196,867	4,989,355	36,143	4	36,147					
Richmond Valley	23,671	4,488,062	1,967,270	6,455,332	206,320	85,224	291,544	4,426,120	1,970,601	6,396,721	268,262	81,893	350,155					
Ryde (C)	130,953	3,254,447	1,171,379	4,425,866	152,971	51,195	204,166	3,281,643	1,183,797	4,465,440	125,815	38,777	164,592					
Shellharbour (C)	78,256	4,986,478	1,288,581	6,275,059	234,024	52,059	286,083	5,020,455	1,203,772	6,224,227	200,047	136,868	336,915					
Shoalhaven (C)	109,418	10,373,915	4,421,462	14,795,377	486,844	191,911	678,755	10,444,135	4,437,477	14,881,612	416,624	175,896	592,520					
Silverton (VC)	35	41,700	-	41,700	1,940	-	1,940	41,621	-	41,621	2,019	-	2,019					
Singleton	25,075	3,183,769	1,690,544	4,874,313	146,373	71,900	218,273	3,140,097	1,662,548	4,802,645	190,045	99,896	289,941					
Snowy Monaro Regional	21,791	8,311,330	3,482,991	11,794,321	385,469	148,854	534,323	8,269,369	3,441,947	11,711,316	427,430	189,898	617,328					

2023-24 FA GRANTS Schedule of Payments Totals														
	2023-24	2023-24	2023-24	2023-24	2022-23	2022-23	2022-23	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24	2023-24
Snowy Valleys	14,884	5,532,282	1,738,628	7,270,912	253,995	74,974	328,969	5,448,879	1,733,610	7,182,489	337,400	79,992	417,392	2023-24
Strathfield (M)	46,129	1,183,222	369,607	1,552,829	57,279	16,260	73,539	1,228,790	375,949	1,604,739	11,711	9,918	21,629	2023-24
Sutherland (S)	231,723	5,758,856	2,505,027	8,263,883	269,814	108,665	378,479	5,788,250	2,512,606	8,300,856	240,420	101,086	341,506	2023-24
Sydney (C)	217,748	5,763,024	1,629,904	7,392,928	278,984	73,676	352,660	5,984,968	1,703,576	7,688,544	57,040	4	57,044	2023-24
Tamworth Regional	64,459	7,539,184	5,354,096	12,893,280	347,143	230,694	577,837	7,447,167	5,334,265	12,781,432	439,160	250,525	689,685	2023-24
Temora (S)	5,993	3,111,530	1,636,425	4,747,955	141,457	71,601	213,058	3,034,635	1,655,618	4,690,253	218,352	52,408	270,760	2023-24
Tenterfield (S)	6,877	4,250,359	2,077,575	6,327,934	193,960	89,798	283,758	4,160,974	2,076,415	6,237,389	283,345	90,958	374,303	2023-24
Tibooburra (VC)	95	93,642	-	93,642	4,357	-	4,357	93,464	-	93,464	4,535	-	4,535	2023-24
Tweed (S)	97,718	9,079,084	3,601,882	12,680,966	425,733	138,488	584,221	9,133,133	3,664,694	12,797,827	371,684	95,676	467,360	2023-24
Upper Hunter (S)	14,292	4,085,900	2,440,371	6,526,271	186,686	105,738	292,424	4,004,933	2,444,943	6,449,876	267,653	101,166	368,819	2023-24
Upper Lachlan (S)	8,539	3,755,923	2,385,306	6,141,229	171,479	103,316	274,795	3,678,698	2,388,970	6,067,668	248,704	99,652	348,356	2023-24
Uralla (S)	5,980	2,208,497	1,163,909	3,372,406	100,815	50,405	151,220	2,162,764	1,165,513	3,328,277	146,548	48,801	195,349	2023-24
Wagga Wagga (C)	68,227	8,208,147	4,118,260	12,326,407	384,992	177,413	562,405	8,259,136	4,102,306	12,361,442	334,003	193,367	527,370	2023-24
Walcha	2,999	2,109,590	1,179,574	3,289,164	94,669	51,233	145,902	2,030,911	1,184,675	3,215,586	173,348	46,132	219,480	2023-24
Walgett (S)	5,513	6,015,041	2,442,648	8,457,689	273,811	106,181	379,992	5,873,988	2,455,222	8,329,210	414,864	93,607	508,471	2023-24
Warren (S)	2,577	2,580,822	1,299,191	3,880,013	117,511	56,460	173,971	2,520,924	1,305,507	3,826,431	177,409	50,144	227,553	2023-24
Warrumbungle (S)	9,244	5,976,921	3,070,377	9,047,298	275,646	133,088	408,734	5,913,365	3,077,355	8,990,720	339,202	126,110	465,312	2023-24
Waverley	69,218	1,730,618	518,767	2,249,385	83,778	23,049	106,827	1,797,267	532,958	2,330,225	17,129	8,858	25,987	2023-24
Weddin (S)	3,604	2,462,580	1,267,405	3,729,985	110,895	54,967	165,862	2,379,005	1,270,972	3,649,977	194,470	51,400	245,870	2023-24
Wentworth (S)	7,555	5,208,794	2,184,290	7,393,084	241,934	94,856	336,790	5,190,145	2,193,340	7,383,485	260,583	85,806	346,389	2023-24
Willoughby (C)	75,409	1,892,705	705,200	2,597,905	91,625	31,279	122,904	1,965,596	723,273	2,688,869	18,734	13,206	31,940	2023-24
Wingecarribee (S)	52,779	3,786,752	2,426,368	6,213,120	177,079	104,987	282,066	3,798,828	2,427,619	6,226,447	165,003	103,736	268,739	2023-24
Wollondilly (S)	55,811	2,790,317	1,726,386	4,516,703	130,955	73,877	204,832	2,809,332	1,708,207	4,517,539	111,940	92,056	203,996	2023-24
Wollongong (C)	216,290	18,809,215	3,066,739	21,875,954	882,822	132,568	1,015,390	18,938,937	3,065,330	22,004,267	753,100	133,977	887,077	2023-24
Woollahra (M)	53,487	1,391,289	505,216	1,896,505	67,351	22,835	90,186	1,444,870	527,996	1,972,866	13,770	55	13,825	2023-24
Yass Valley	17,377	2,291,263	1,747,227	4,038,490	104,850	75,839	180,689	2,249,306	1,753,631	4,002,937	146,807	69,435	216,242	2023-24
TOTALS	8,155,963	675,648,877	277,534,692	953,183,569	31,434,847	11,979,830	43,414,677	674,363,305	277,007,102	951,370,407	32,720,419	12,507,420	45,227,839	2023-24

LOCAL GOVERNMENT GRANTS COMMISSION

GUIDELINES FOR SPECIAL SUBMISSIONS

1. GENERAL

All submissions **must** be consistent with the principles which have been adopted by the NSW Local Government Grants Commission (Commission). The principles are attached in **Table 1**.

Information in the submissions must relate to the year ended 30 June 2023, in order to be compatible with the Commission's **Roads, Bridges and General Information Return** for that year (for the 2024-25 grant calculations).

Only operational costs should be included; **capital costs are to be excluded**.

Submissions should be based only on *inherent* disadvantages and problems, which are outside a council's control. **Additional costs that result from deliberate policy decisions made by councils to provide a higher than average standard of service are not considered disadvantages.**

Information provided on disadvantages should be brief and the costing estimates of the disadvantages should be as accurate as is practicable.

If you have further questions, please contact the Executive Officer on (02) 4428 4100 or by email, olg@olg.nsw.gov.au.

Submissions should be emailed to the Commission at olg@olg.nsw.gov.au as soon as possible and no later than **30 November 2023**.

2. EXPENDITURE DISADVANTAGES

(a) Content

The details of the Commission's expenditure calculations for Council's area are enclosed (see **Appendix A**). This information should be used in assessing whether to make a submission on expenditure disadvantages; that is, in assessing whether the particular disadvantages of Council's area are **already recognised** in the formula. If council believes that disadvantages **other than those currently identified by the formula** have an impact on the cost of providing services, then this should be substantiated in the submission.

Similarly, if council believes that the impact of any disadvantage already identified by the Commission is greater than indicated, then the case should be argued in the submission. Please refer to **Table 2** for the basic format for a special submission. Details of the expenditure items considered, the council functions and disadvantage measures can be found in **Appendix D**.

(b) Required Format

Table 2 shows the **REQUIRED FORMAT** for submissions on expenditure disadvantages. Submissions should be **brief** and include:

- (1) the function affected (using the Commission's functional heading);
- (2) a **brief** description of the disadvantage;
- (3) a **brief** account of the action taken to deal with that disadvantage; and,
- (4) the **estimated additional cost** impact of that action.

Where a disadvantage factor affects costs across multiple council functions, separate details should be used showing the cost impact in each function area.

LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS

(c) Outcome

Where the Commission recognises an additional disadvantage raised in a submission beyond the measures recognised, an adjustment will be made as an "other" category.

Where an additional disadvantage is recognised which has an impact on a number of councils, the methodology will be adjusted, and *all councils* will be affected according to the extent of the relevant disadvantage.

3. REVENUE DISADVANTAGES

While the approved principles generally bind the Commission's operation in this area, councils may wish to comment on the current methodology if it is considered that these unfairly disadvantage them.

LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS

TABLE 1

APPROVED PRINCIPLES

1. General purpose grants to local governing bodies will be allocated as far as practicable on a full equalisation basis as defined in the *Local Government (Financial Assistance) Act 1995*; that is a basis which attempts to compensate local governing bodies for differences in expenditure required in the performance of their functions and in their capacity to raise revenue.
2. The assessment of revenue and expenditure allowances of local governing bodies will, as far as is practicable, be independent of the policy or practices of those bodies in raising revenue and the provision of services.
3. Revenue raising capacity will primarily be determined on the basis of property values; positive and negative allowances relative to average standards may be calculated.
4. Revenue allowances may be discounted to achieve equilibrium with expenditure allowances.
5. Generally, for each expenditure function an allowance will be determined using operational cost; both positive and negative allowances relative to average standards may be calculated.
6. Expenditure allowances will be discounted to take account of specific purpose grants.
7. Additional costs associated with non-resident use of services and facilities will be recognised in determining expenditure allowances.

LOCAL GOVERNMENT GRANTS COMMISSION GUIDELINES FOR SPECIAL SUBMISSIONS

TABLE 2

REQUIRED FORMAT FOR SUBMISSIONS ON EXPENDITURE DISADVANTAGES

Function:

Disadvantage:

Description and Response:

Cost Impact:

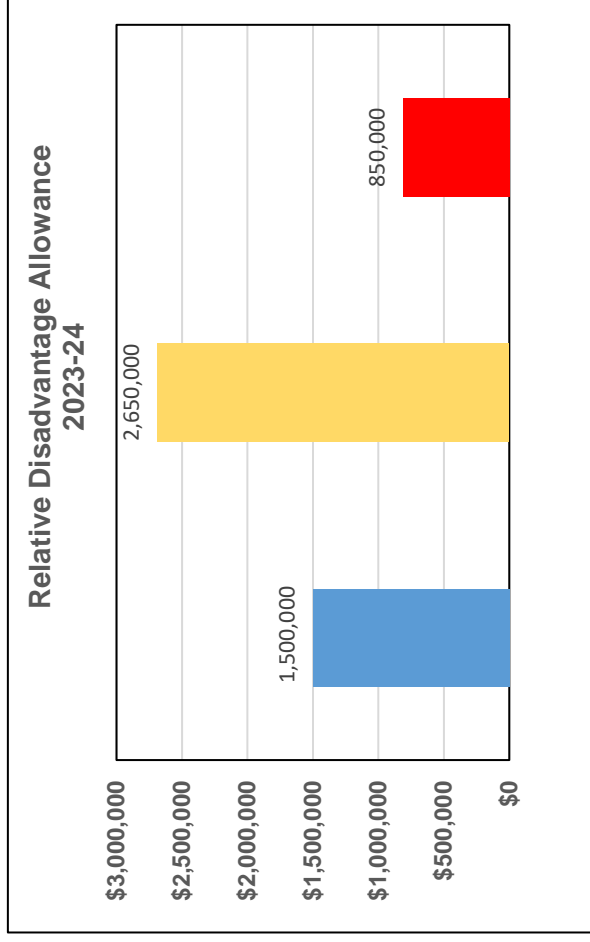
LOCAL GOVERNMENT GRANTS COMMISSION **FINANCIAL ASSISTANCE GRANTS 2023-24**

Expenditure Functions with Expenditure Items Listed Below (Expenditure Items Source – Financial Data Return/Net Cost of Services – 5 year average gross operational costs)					
Recreation & cultural	Administration & governance	Community amenity	Community services & education	Roads, bridges & footpaths	Public order, safety, health & other
Museums	Administration	Public Cemeteries	Admin & Education	Aerodromes	Animal Containment
Art Galleries	Governance	Public Toilets	Children's Services	Urban Roads Local	Fire Service Levy
Communities Centres & Halls		Town Planning	Aged and Disabled	Sealed Rural Roads Local	Noxious Plants & Insects
Performing Arts Venues		Street Lighting	Social Protection	Unsealed Rural Roads Local	Environment Protection
Other Sport & Recreation				Bridges on Urban Roads Local	Stormwater Management
Other Performing Arts				Bridges on Sealed Rural Roads Local	Urban Storm Drainage
Public Libraries				Bridges on Unsealed Rural Roads Local	Other
Swimming Pools				Footpaths	Health
Sporting Grounds				Parking Areas	Enforcement of Regulations
Parks and Gardens					Beach Control
					Building Control
					Street Cleaning

LOCAL GOVERNMENT GRANTS COMMISSION FINANCIAL ASSISTANCE GRANTS 2023-24

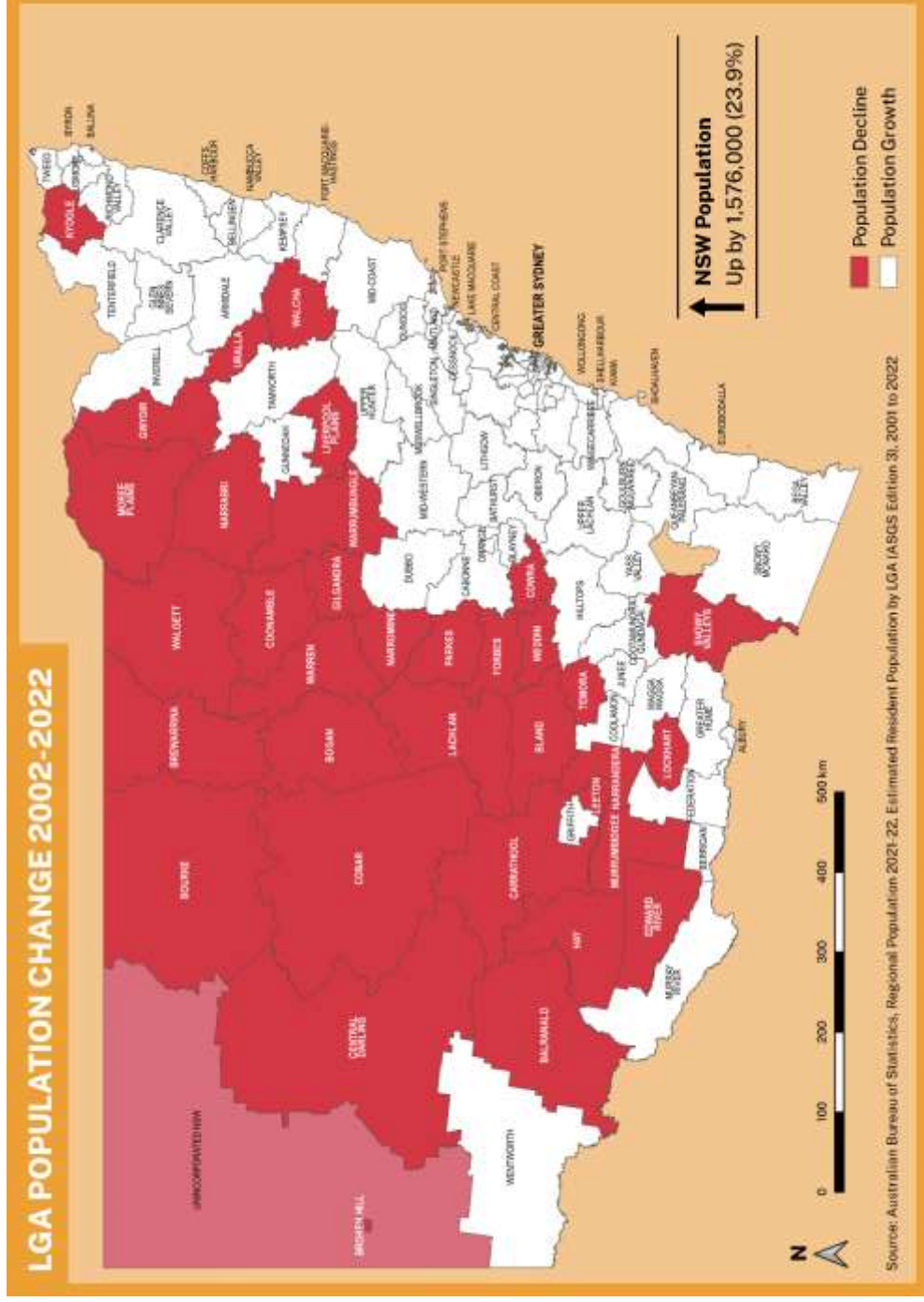
Expenditure Disability Factors		
Disability Factor	Description	Data Source
Population Size	Number of people residing in local government area. The more people in a community, the cheaper it is to provide resources per person. This suggests compensation for councils with smaller populations	ABS Regional population 2021-22, Estimated Resident Population (released 20 April 2023).
ATSI	Proportion of residents identified as Aboriginal and Torres Strait Islander.	ABS 2021 Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians, (released 31 August 2022).
Local Road Length	Kilometres of road within a local government area being the responsibility of councils.	Data provided by OLG, based on data supplied by each local council for the 2021-22 financial year.
Environment	Hectares of environmental land (hectares of conservation and natural environment, water and inland water bodies).	ABS 1410.0 - LAND AND ENVIRONMENT, Local Government Area, 2015-2020 (released .8 April 2022).
Rainfall, topography and drainage index	An index that measures variation in the cost of construction and maintenance of stormwater drainage based on a number of considerations.	Data provided by OLG, Independent Consultants, 1987, Stormwater Drainage Return.

LOCAL GOVERNMENT GRANTS COMMISSION FINANCIAL ASSISTANCE GRANTS 2023-24



Within the GPC, \$5.0 million of the \$20.0 million CPI increase was apportioned to councils with greatest relative disadvantage on the basis of unsealed local road lengths (reported by local councils), isolation (ABS population data, 5 years averaged isolation expenditure reported by local councils, distance from Sydney and the nearest major regional centre, Western Zone Allowance), and population decline (ABS Estimated Population 2001-2022).

LOCAL GOVERNMENT GRANTS COMMISSION FINANCIAL ASSISTANCE GRANTS 2023-24



Red indicates population decline in NSW from 2002-2022.

Stronger Communities Fund

	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete	
Coleambally									Works subject to IWCM completion
Darlington Point							600,000.00	0.00%	Works subject to IWCM completion
Jerilderie	685,843.98	15,074.10			691,787.38		691,787.38	0.00%	Partial funding for IWCM sourced from this grant
Darlington Point							670,769.88	2.20%	Artwork design purchased. Further signage to be determined.
					58,000.00	10,200.00	47,800.00	17.59%	Tenders let and construction works commenced.
Coleambally			1,500,000.00	669,380.26			830,619.74	44.63%	Partially funded from additional SCCF grant
Darlington Point					1,500,000.00	920,431.35	579,568.65	61.36%	Project manager commenced and pre construction works undertaken. Sewer & stormwater infrastructure installation commenced
Darlington Point					367,750.00	232,188.23	135,561.77	63.14%	Upgrade to amenities block completed. Further works ongoing
Darlington Point					350,000.00	238,085.31	111,914.69	68.02%	Purchase undertaken
Coleambally			565,000.00	558,337.72					Masterplan prepared. Further application for grant funds still to be determined
Darlington Point					300,000.00	299,472.95	6,662.28	98.82%	Construction complete
							527.05	99.82%	Installation of communication equipment to be undertaken
Darlington Point									Furniture to be procured
									Works complete
Darlington Point					420,377.00	420,270.42	106.58	99.97%	Additional costs incurred for purchase of furniture, crockery & cutlery

Stronger Communities Fund

	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete	
Jerilderie	500,146.95	503,302.79					-3,155.84	100.63%	Works completed in conjunction with SCCF grant
Coleambally			600,000.00	726,821.07			-126,821.07	121.14%	Construction complete
Jerilderie Cricket Club	21,500.00	21,500.00					0.00	100.00%	Complete
Jerilderie Community Gym	43,358.97	43,358.97						100.00%	Complete
Jerilderie Tennis Club	45,454.55	45,454.55						100.00%	Complete
Jerilderie Tennis Club	44,708.69	44,708.69						100.00%	Complete
Jerilderie CWA	18,003.61	18,003.61						100.00%	Complete
Jerilderie Football Club	39,674.00	39,674.00						100.00%	Complete
Jerilderie Pre School	44,098.40	44,098.40					0.00	100.00%	Complete
Jerilderie Swimming Club	5,859.73	5,859.73						100.00%	Complete
Jerilderie Public School P & C	49,280.00	49,280.00						100.00%	Complete
Jerilderie Arts & Talent Society	9,868.22	9,868.22						100.00%	Complete
Jerilderie Tennis Club	27,272.73	27,272.73						100.00%	Complete
Jerilderie Tennis Club	1,340.00	1,340.00						100.00%	Complete
Jerilderie Public School P & C	7,946.36	7,946.36						100.00%	Complete
Jerilderie Men's Shed	50,000.00	50,000.00						100.00%	Complete
Jerilderie RSL Sub Branch	4,577.27	4,577.27						100.00%	Complete
Jerilderie St Joseph's Parent's and Friends Inc	35,374.74	35,374.74						100.00%	Complete
Coleambally Sweatbox			30,340.00	30,340.00				100.00%	Complete
Community Gym			45,260.00	45,260.00				100.00%	Complete
Coleambally Clay Target Club			7,233.44	7,233.44				100.00%	Complete
Coleambally Pre School			11,412.73	11,412.73				100.00%	Complete
Coleambally Pre School			7,520.00	7,520.00				100.00%	Complete
Coleambally Lions Club			4,632.65	4,632.65				100.00%	Complete
Coleambally Chamber of Commerce			10,116.20	10,116.20				100.00%	Complete
Coleambally Chamber of Commerce			4,250.00	4,250.00				100.00%	Complete
Coleambally Chamber of Commerce			21,122.73	21,122.73				100.00%	Complete
Coleambally Riverina Vintage Machinery Club			41,000.00	41,000.00				100.00%	Complete
Coleambally Community Club			45,454.55	45,454.55				100.00%	Complete
Coleambally Central School P & C			50,000.00	50,000.00				100.00%	Complete

Stronger Communities Fund

Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Coleambally Golf Club Inc	Automatic watering for fairways 3 & 9	44,600.00	44,600.00				100.00% Complete
Coleambally Golf Club Inc	Automatic watering for fairways 1 & 6	25,450.00	25,450.00				100.00% Complete
Coleambally St Peters Primary School	Replace school quadrangle	28,172.73	28,172.73				100.00% Complete
Coleambally Mens Shed	Construct storage facility	44,463.19	44,463.19				100.00% Complete
Coleambally Murrumbidgee Experimental Farm	Develop 22ha for farming	45,454.55	45,454.55				100.00% Complete
Coleambally Pre School	Floor resurfacing	13,594.55	13,594.55				100.00% Complete
Coleambally Pre School	Shade sails & shed storage	12,272.73	12,272.73				100.00% Complete
Coleambally Lions Club	Jumping castle & trailer project	5,835.00	5,835.00				100.00% Complete
Coleambally Community Club	Level Bowling Greens, Upgrade	21,909.09	21,909.09				100.00% Complete
Coleambally Central School P & C	Main Bar & Toilet area	18,840.00	18,840.00				100.00% Complete
Coleambally St Peters Primary School	Outdoor Settings	5,000.00	5,000.00				100.00% Complete
Coleambally Darlington Point Country Education Fund	Multi purpose court	3,000.00	3,000.00				100.00% Complete
Coleambally Motorcycle Club Inc	Oral History Book Production	50,000.00	50,000.00				100.00% Complete
Coleambally Pony Club	Construct club house & install watering system to track	6,642.86	6,642.86				100.00% Complete
Coleambally Fusion Drop in Centre	Grounds upgrade & revamp	4,545.45	4,545.45				100.00% Complete
Coleambally St Peters Catholic Church	Coleambally youth development	6,363.64	6,363.64				100.00% Complete
Coleambally Tennis Club	Replacement of chairs	50,000.00	50,000.00				100.00% Complete
Anglican Parish of Coly/Darlington Point	Replacement of synthetic courts			17,423.59	17,423.59		100.00% Complete
Darlington Point Mens Shed	Install air conditioning to Darlington Point Hall			45,454.55	45,454.55		100.00% Complete
Darlington Point Lions Club	Construct meeting room & improve stormwater			20,000.00	20,000.00		100.00% Complete
Darlington Point Mens Shed	Addition of BBQ & bench			8,547.55	8,547.55		100.00% Complete
Apex Club of Darlington Point	Installation of solar panels			12,659.00	12,659.00		100.00% Complete
Darlington Point Club Ltd	Flag pole installation and fingerling purchase			45,454.55	45,454.55		100.00% Complete
Darlington Point Club Ltd	Bowling green & club grounds irrigation			36,363.64	36,363.64		100.00% Complete
Darlington Point Club Ltd	Workshop for maintenance staff			25,650.00	25,650.00		100.00% Complete
Darlington Point Public School P & C	Machinery storage shed			43,928.00	43,928.00		100.00% Complete
	Classroom board upgrade throughout the school						

Stronger Communities Fund

	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Coleambally			750,000.00	750,000.00				
Coleambally			54,057.39	54,057.39				
Coleambally			282,318.57	282,318.57				
Coleambally			500,000.00	500,000.00				
Coleambally Pistol Club			41,463.60	41,463.60				
Darlington Point					80,000.00	80,000.00		
Darlington Point					6,544.41	6,544.41		
Darlington Point					858,212.62	858,212.62		
Darlington Point					547,012.21	547,012.21		
Jerilderie	13,167.00	13,167.00						
Jerilderie	204,535.30	204,535.30						
Jerilderie	45,363.42	45,363.42						
Jerilderie	41,100.15	41,100.15						
Jerilderie	76,516.71	76,516.71						
Jerilderie	53,420.72	53,420.72						
Jerilderie	29,029.00	29,029.00						
Jerilderie	9,552.13	9,552.13						
Jerilderie	20,067.53	20,067.53						
Jerilderie	156,833.64	156,833.64						
Jerilderie	550,000.00	550,000.00						
Jerilderie	686,470.63	686,470.63						
Jerilderie	568,306.02	568,306.02						
Jerilderie	70,332.17	70,332.17						
Jerilderie	135,963.60	135,963.60						
Announced to date	4,294,966.22	3,627,352.18	5,557,325.65	4,246,864.70	5,435,164.50	3,867,898.38	3,545,341.11	
		15,287,456.37						

Funding fully expended with a 2nd coat seal to be undertaken from alternative sources

Stronger Communities Fund

Stronger Communities Funding
Interest Received to 30/09/23

Less expenditure to date

Balance unexpended for Int calc
purposes

Available to date
Interest to date

Less announced to date
Available/(Oversubscribed)

	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
	14,365,000.00							
	1,051,870.00							
	15,416,870.00							
	11,742,115.26							
	3,674,754.74							
	2,822,884.74							
	14,365,000.00							
	1,051,870.00							
	15,416,870.00							
	15,287,456.37							
	129,413.63							

MODIFICATION OF DA ASSESSMENT REPORT

DA number	DA 6-2015/2016
Brief description	Modification of development consent for the a solar farm
Capital investment value	\$8,000,000 (Original \$4,000,000) = \$12,000,000
Property	Lots 2 & 5 DP 858670, South Coree Road, Jerilderie
Applicant	Callista Harris of Chris Smith Associates for Sunmania Pty Ltd
Land owner	Murrumbidgee Council
Date of lodgement	8 August 2023

PART 1: EXECUTIVE SUMMARY

1.1 Determining authority

The original application was determined by Murrumbidgee Council as the capital investment value (CIV) of the development at the time was less than \$5,000,000 which under State Environmental Planning Policy (Planning Systems) 2021

Although the new value of works exceeds the threshold, partly due to the increase in costs and largely due to the increase in capacity. On the advice of the Planning the matter does not have to be referred to the Western Regional Planning Panel ('WJRPP') and the modification application is to be determined by Council.

1.2 Outline of modification

The applicant seeks to modify the consent in the following manner

- a. Increasing the capacity of the solar farm from 1.5Mw (2850 solar panels) to 4.95Mw (12,264 panels);
- b. Replace the 1.5Mw transformer with one (1) medium voltage power station, one (1) high voltage switchboard and four (4) BESS containers.
- c. Connection to the 22kV transmission line on Watsons Lane instead of the transmission line on South Coree Road.
- d. Replace access to South Coree Road, with access to Watsons Lane.

The footprint of the solar arrays has also increased from 3.8ha to 13h and now includes Lot 5 DP 858670 as well as Lot 2 in the same deposited plan.

PART 2: STATUTORY CONSIDERATIONS

2.1 Sections 4.15 and 4.55(2) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') outlines the matters which the consent authority must take into consideration when determining a development application.

2.2 These matters that as are of relevance to the modification application include the following:

*(2) **Other modifications** A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

2.3 Case Law (*Vacik Pty Ltd v Penrith City Council*) guides a consent authority in assessing whether the consent as modified will be substantially the same development one needs to compare the before and after situations. Stein J also stated that:

“one should not fall into the trap of saying that the development was for a certain use...and as amended will be for precisely the same use and accordingly is substantially the same development. What is important is that a development...must be assumed to include the way in which the development is to be carried out.”

Council is satisfied that the proposed modification represents substantially the same development as to which consent was originally granted that being an

electricity generating works.

While the proposed modification involves changes to the development (outlined in paragraph 1.2 of this report) are extensive in terms of the footprint covered by the development, the number of solar arrays, increase in capacity the the original and approved use has not changed from the approved development and the modified development. Further it can be stated that, other than the length of construction time, the methods in which the development is to be constructed will be substantially the same, and that upon completion the development will operate in the same way as originally intended. The only difference in the operational aspect that will changes is the increased capacity available to supply the power grid.

It is considered that the proposal satisfies the threshold requirements of Section 4.55(2)(a) of the Environmental Planning and Assessment Act, 1979 in that it represents substantially the same development.

2.4 Consultation was not required to be undertaken with any Minister, public authority or approval body (within the meaning of Division 4.8) as the original development was not referred to any external agency. On this basis the provisions set down in section 4.55(2)(b) have been met.

2.5 Council's Community Participation Plan (CPP) states that an application for the modification of development consent that is publically exhibited by the regulation is to be notified and exhibited for a period of up to 14 days. Clause 106(2) of the Environmental Planning & Assessment Regulation 2021 states, in respect of other modification applications they are to be advertised in the same way as the original development application was notified, or otherwise 14 days.

As the site is owned by Murrumbidgee Council, the notification period was extended to 28 days.

2.6 Council has satisfied the provisions of section 4.55(2)(c) by notifying adjoining land owners of the proposed modification application and providing an opportunity to make submissions.

2.7 Council received four (4) submissions, one (1) in support and three (3) raising concerns with the proposed development.

2.8 The submission from NPWS goes beyond a response as an adjoining neighbour and seeks revisions to the submitted documents that they could rightfully request if there concurrence as a statutory body was being called upon. As such their submission is very detailed and makes demands that are considered unreasonable. That being said, the applicant has diligently responded to each of the concerns and amended their statement of environmental effects to address the requirements of NPWS. Council is satisfied with the applicant's response to the concerns raise by NPWS, and only considers the following matters as requiring a direct response.

Table 1: Submission from National Parks and Wildlife Service

Issues	Response/Comment
Whether the proposed development satisfies the threshold tests for s4.55(2) of the Environmental Planning and Assessment Act, 1979.	<p>The applicant in their SEE outlines the statutory framework to which the application relates.</p> <p>Council is satisfied that the proposed development satisfies the threshold tests set in section 4.55(2) of the Act (refer to paragraph 2.3 of this report).</p>
The SEE does not properly address the provisions of section 4.15 of the EP&A Act, 1979.	<p>The applicant has stated that the SEE adequately addresses legislative requirements.</p> <p>Council concurs with the applicant in that their SEE adequately addresses the legislative requirements set down in the Act, Environmental Planning & Assessment Regulation 2021 and the various SEPPS.</p>
Provisions of the DPE Large-Scale Solar Energy Guideline (2022).	<p>The proposed modified development does not fall within the definition of a large-scale energy development.</p>
Compliance with the original development application.	<p>It is not required to demonstrate compliance with the original development application in order to justify the proposed modification.</p>
Identify how the two lots are to be amalgamated	<p>This can be achieved by way of condition if deemed necessary by Council.</p>
Consideration must be given to the Jerilderie Nature Reserve as being a sensitive receiver.	<p>The applicant has amended their assessment and considered the provisions of "Developments adjacent to National Parks & Wildlife Lands"</p> <p>It is understood the applicant has met with NPWS to discuss the additional assessment.</p> <p>Council is satisfied that the proposed development, if carried out in accordance with the measures proposed by the applicant are unlikely to impact on the Jerilderie Nature Reserve.</p>
Watson Lane	<p>Watson's Lane is a local access road provide access to five properties. It is constructed to an all-weather gravel standard which is considered appropriate for both construction and future vehicle traffic generated by the development.</p> <p>Mindful that the traffic associated with the</p>

	construction of the solar farm has the potential to degrade the current road pavement, a condition of consent would be imposed on the applicant to repair any damage.
Biodiversity assessment	The Ecological Assessment submitted included the likely impacts on threatened species which Leneco Environmental Managements indicates that the proposed development is unlikely to have any significant impact on threatened ecological communities. The applicant has indicated that they will undertake a review of the ecological assessment once survey restrictions are lifted.
Operational Management Plans and Construction Environmental Management Plans	<p>These matters were not considered in great detail with the original development application. The applicant has indicated they would, as a condition of consent added to the notice of determination, to provide both an CEMP & an OMP.</p> <p>The OMP can include such manners pertaining to the maintenance of internal roads (APZ and bushfire controls), landscaping and weed control.</p>

2.9 The following table addresses matters raised in the other submissions

Table 2 – Other ssues raised in submissions

Issues	Response/Comment
<p>Mitigation of risk from bushfire</p> <ul style="list-style-type: none"> ▪ A second access point needs to be provided to address complexities that may arise during a bushfire (eg change of wind direction). ▪ A sprinkler system, with a water tank should be provided. ▪ An asset protection zone of 10m should also be provided, and this be used as an internal ring road for fire protection purposes, constructed of all-weather gravel. 	<p>The subject site is not mapped as being bushfire prone land, however that is not to say the site would not be subject to the effects of a grassfire. In this regard the provisions set down in the Planning for Bushfire Protection could be applied as a condition of consent.</p>

- 2.10 The proposed development does not fall within the categories of designated or integrated development and there are no concurrence authorities.
- 2.11 The following environmental planning instruments have been deemed relevant to this application:
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *Jerilderie Local Environmental Plan 2012*
- 2.12 Part 2.33, Division 4 Clause 2.36 (1)(b) of the *State Environmental Planning Policy (Transport and Infrastructure)* enables development for the purpose of an electricity generating works to be carried out with development consent in a prescribed rural zone. Accordingly, the proposed solar farm (which is a photovoltaic electricity generating system) is permissible with development approval.
- 2.13 Part 2.3 Division 5, clause 2.48 of the T&I-SEPP requires consultation with Essential Energy as the proposal may impact electricity transmission or distribution. The original application was not referred to Essential Energy, however for the purpose of due diligence they were advised of the modified development.
- In their response, received on 4 September 2023, Essential Energy raise no objections to the development.
- It is recommended that the advisory notes provided by Essential Energy be added to the modified notice of determination.
- 2.14 The relevant local environmental plan applying to the site is the *Jerilderie Local Environmental Plan 2012* (JLEP). The proposed modification does not result in any inconsistency with the MLEP 2013.
- 2.15 Although not falling in the category of a development control plan, the provisions of *Murrumbidgee Council Development Contributions Plan Section 7.12 Environmental Planning and Assessment Act 1979* are an instrument that may be considered.
- 2.16 Council sought legal advice pertaining to its power to impose s7.12 levies on modified development consents, posing the following questions:
- a. Does Council have the power to impose s 7.12 contributions on an application to modify an existing development consent under either ss 4.55(1A) or 4.55(2)?
 - b. If the answer is yes, would the application to modify be able to pass the threshold test of being substantially the same development, assuming all qualitative and quantitative measures are met?
 - c. If the answer to both is yes, would the contribution rate be applied to the value of the modification works or to the whole development?
 - d. Is it relevant that, at the time of the original determination, no contribution plan was in force?
- 2.17 The advice received was that if Council was satisfied that the development passed the threshold test, of being substantially the same development, then it would have the power to impose a condition requiring the payment of a levies under s7.12. As set out in paragraph 2.3 Council is satisfied that the development meets the quantitative and qualitative measures required for

s4.55(2)(a) of the Act. Further Council is satisfied that the imposition of the conditions requiring the payment of a levy would cause the modification to fail the threshold test.

- 2.18 It was further advised that Council could impose the levy for the entire value of the development, however it was conceded that this would open Council up for a challenge in the Land and Environment Court.
- 2.19 That the original development application was made prior to and determined before Council had adopted its Contribution Plan, does not remove Council's ability to impose a s7.12 levy. In fact Council is obligated to consider the planning regime at the time the modification application is made.
- 2.20 No planning agreements under section 7.4 of the Environmental Planning and Assessment Act, 1979 have been entered into.
- 2.21 The likely impacts of development section 4.15(1)(b), including environmental impacts on both the natural and built environments and social and economic impacts in the locality have been addressed throughout the original assessment report. The following table examines the likely impact the proposed modification may have.

Table 3: Likely Impacts of proposed modification

<i>Access</i>	Access to the development site is via Watson Lane. .
<i>Traffic</i>	The largest vehicle accessing the site for construction purposes would be a 19m semi-trailer. From a construction perspective, the traffic generated by the modification development would be more than triple what was anticipated at the original development application. While it is a significant increase Council is of the opinion that the impact would have minimal ongoing environmental impact.
<i>Hours of Operation</i>	The hours of operation of the development has already been discussed above under <i>Noise and Vibration</i> . The recommended hours for construction work are 7am-6pm weekdays, 8am-1pm Saturday and no work on Sunday and public holidays. No change to the approved hours of operation are proposed or required.
<i>Buildings</i>	The BESS containers are not considered to be buildings because the submitted diagrams and details to demonstrate that the containers are not capable of being occupied, are prefabricated off site and is simply the housing of the inbuilt battery systems and as such the provisions of the BCA do

not apply and a construction certificate is not required.

However, like other temporary structures and permanent buildings, they must be installed or founded so that they are able to resist the most critical loads and forces as per *AS1170:1,2,3 Structural Design Actions*. Plans submitted with the application show that each container is supported on pad footings.

Based on the above there is unlikely to be any significant adverse impacts as a result of the development subject to the recommended imposition of conditions.

- 2.22 In terms of 4.15(1)(c) the proposed development site does not contain any significant constraints and can be appropriately serviced. Land restrictions, hazards and risks have been identified, can be reasonably controlled and managed and potential environmental impacts mitigated. The site is considered suitable and able to sustainably accommodate the solar farm development. The proposed modification does not alter the site limitations.
- 2.23 The provisions of s4.15(1)(d) in terms of submissions being made in response to the development application has been addressed in paragraphs 2.5 to 2.9.
- 2.24 The provisions of Section 4.15(1)(e) of the EP&A Act 1979 provides an overarching requirement to consider the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments, development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. On the basis that the proposed development is considered to be consistent with the aims and objectives of the relevant environmental planning instruments and policies; and Land and Environment Court Planning Principles, it is therefore unlikely to raise any issues that are contrary to the public interest.

PART 2: CONCLUSION AND RECOMMENDATION

- 3.1 The development application has been evaluated with regard to the matters for consideration listed in Section 4.15 and 4.55(2) of the Environmental Planning and Assessment Act 1979. On the basis of this assessment it is considered the proposal has merit and the development can be supported for the following reasons:
- Council has the power to determine the modification application without it having to refer it to a planning panel.
 - The development as modified is substantially the same development.
 - Submissions received have been addressed in the assessment report and where reasonable additional conditions have been included in the notice of determination.
 - The proposed modification is consistent with the provision the relevant SEPPs that apply.

- The proposed modification is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
- The proposed development does not raise any matter contrary to the public interest.

3.2 It is **recommended** that the Development Application DA No 6-2015/15 be **modified** for pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 subject to conditions.

ADMINISTRATIVE & GENERAL CONDITIONS

CONDITIONS				REASON																												
1.	Approved plans and supporting documentation The development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise. <table><tr><th>Plan Reference</th><th>Plan Title</th><th>Prepared by</th><th>Date</th></tr><tr><td>BA3-SF-01 Rev A02</td><td>BA21 – Jerilderie SF Site Layout</td><td>Birdwood Energy</td><td>7/7/2023</td></tr><tr><td>BA3-SF-02 Rev A02</td><td>BA21 – Jerilderie SF Site Layout</td><td>Birdwood Energy</td><td>7/7/2023</td></tr><tr><td>BA3-SF-03 Rev A02</td><td>BA21 – Jerilderie SF Elevation Drawings</td><td>Birdwood Energy</td><td>7/7/2023</td></tr></table> <table><tr><th>Document</th><th>Reference No</th><th>Prepared by</th><th>Date</th></tr><tr><td>Section 4.55(2) DA Modification Report, Rev. 1</td><td>23113</td><td>Chris Smith & Associates</td><td>October 2023</td></tr><tr><td>Ecological Assessment</td><td></td><td>Leneco Consulting Pty Ltd</td><td>October 2023</td></tr></table> In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails. Note 1: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.			Plan Reference	Plan Title	Prepared by	Date	BA3-SF-01 Rev A02	BA21 – Jerilderie SF Site Layout	Birdwood Energy	7/7/2023	BA3-SF-02 Rev A02	BA21 – Jerilderie SF Site Layout	Birdwood Energy	7/7/2023	BA3-SF-03 Rev A02	BA21 – Jerilderie SF Elevation Drawings	Birdwood Energy	7/7/2023	Document	Reference No	Prepared by	Date	Section 4.55(2) DA Modification Report, Rev. 1	23113	Chris Smith & Associates	October 2023	Ecological Assessment		Leneco Consulting Pty Ltd	October 2023	To ensure that all parties with an interest in the application are aware of the approved plans and supporting documentation that has been approved as part of the development.
Plan Reference	Plan Title	Prepared by	Date																													
BA3-SF-01 Rev A02	BA21 – Jerilderie SF Site Layout	Birdwood Energy	7/7/2023																													
BA3-SF-02 Rev A02	BA21 – Jerilderie SF Site Layout	Birdwood Energy	7/7/2023																													
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Section 4.55(2) DA Modification Report, Rev. 1	23113	Chris Smith & Associates	October 2023																													
Ecological Assessment		Leneco Consulting Pty Ltd	October 2023																													
2.	Environmental Planning & Assessment Act, 1979 All works associated with the development shall be carried out in conformity with the provisions of the Environmental Planning and Assessment Act, 1979, and the Regulations made thereunder, in accordance with the plans and specifications approved by Council. Any alteration to the approved building will require the submission of a further development application or a modification application under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i> , to amend the consent.			To ensure that the provisions of the Environmental Planning and Assessment Act, 1979 and the Regulations are met.																												
3.	Lapsing of consent In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent. Note 2: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and			The maximum period in which a consent is valid is five (5) years.																												

physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

4. **National Construction Code**

All works must be carried out in accordance with the following:

- a) All building work must comply with and be carried out in accordance with the requirements of the Building Code of Australia.
- b) All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

Prescribed by clause 69(1) of the EP&A Regulation, 2021.

5. **Construction certificate**

In accordance with the provisions of Part 6, Divisions 6.2 and 6.3 of the EP&A Act, 1979 a person must not carry out building works, including associated excavation works (as applicable) until such time as:

- (a) A *Construction Certificate* has been obtained from either Murrumbidgee Council or an *Accredited Certifier* holding the appropriate accreditation under the Building Professions Act, 2005;
- (b) A *Principal Certifier* has been appointed; and
- (c) The person with the benefit of the development consent has given at least two (2) days' notice to Murrumbidgee Council and the *Principal Certifier* of the person's intention to commence the erection of the building.

To ensure that the requirements of the EP&A Act, 1979 are met.

6. **Occupation certificate**

An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) prior to occupation of the new building, part of a building, or a change of building use. Before an application being made for an Occupation Certificate all conditions set out in this notice of determination are to be met to the satisfaction of the Principal Certifier.

Prescribed by Section 6.9 of the EP&A Act, 1979.

7. **Aboriginal or Cultural artefacts**

All Aboriginal objects and places are protected under the *National Parks and Wildlife Act 1974* (NPW Act). It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the NSW Department of Planning and Environment (DP&E). Should any Aboriginal objects be encountered during works associated with the development, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the DP&E and Aboriginal stakeholders.

To ensure that the requirements of the NP&W Act, 1974 are met.

Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:

1. Immediately cease all work at that location and not further move or disturb the remains.
2. Notify the NSW Police and DP&E's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
3. Not recommence work at that location unless authorised in writing by DP&E.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

CONDITIONS	REASON
<p>8. Construction certificate information requirements</p> <p>A Construction Certificate is required for the development in accordance with Section 6.7(1) of the <i>Environmental Planning and Assessment Act 1979</i>. Any copy of documentary evidence submitted must be a complete copy of the original certificate, report or document. The following information shall be submitted for assessment when applying for a Construction Certificate:</p> <ul style="list-style-type: none"> (a) Architectural plans of the building(s) that demonstrate conformity with the National Construction Code. (b) Site Classification Report by a professional geotechnical engineer, soil scientist or geologist. (c) For sites with reactive soils, engineering drawings and details of stormwater and sanitary drainage to show compliance with AS2870 and AS3500 (This includes lagging, swivel and expansion joints, trenching, grade, clay plug and backfill) (d) A signed and dated Compliance Certificate (and associated structural drawings) from a professional engineer certifying that the design and construction of the building complies with the National Construction Code (Volume 1) 2019. The Certificate shall identify the relevant Australian Standards and provisions of the Building Code of Australia that the buildings comply with. The site classification is to be referenced on the engineering plans as identified from the Site Classification Report prepared for the site. <p>Should the plans submitted with the Construction Certificate differ substantially from the plans approved as part of the development consent then a Section 4.55 modification of consent application shall be made to Council.</p> <p>Note 3: Murrumbidgee Council can issue your <i>Construction Certificate</i> (or an accredited private certifier) and be appointed as your <i>Principal Certifier</i> for the development to undertake inspections and ensure compliance with the development consent. For further details contact Council on 1300 676243.</p> <p>Note 4: Where a <i>Performance Requirement</i> is proposed to be satisfied by a <i>Performance Solution</i>, the following steps must be undertaken to comply with the National Construction Code:</p> <ul style="list-style-type: none"> (e) Prepare a <i>Performance-based design brief</i> in consultation with relevant stakeholders. 	<p>To ensure that the requirements of the EP&A Act, 1979 are met.</p>

- (f) Carry out analysis, using one or more of the *Assessment Methods* listed in (2), as proposed by the
- (g) *Performance-based design brief*.
- (h) Evaluate results from (b) against the acceptance criteria in the *Performance-based design brief*.
- (i) Prepare a final report that includes –
- (j) all *Performance Requirements* and/or *Deemed-to-Satisfy Provisions* identified through A2.2(3) or
- (k) A2.4(3) as applicable; and
- (l) identification of all *Assessment Methods* used; and
- (m) details of steps (a) to (c); and
- (n) confirmation that the *Performance Requirement* has been met; and
- (o) details of conditions and limitations, if any exists, regarding the *Performance Solution*.

9. **Payment of Payment of Security Deposits, Levies and Contributions**

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment. Payments must be made prior to the issue of the Construction Certificate.

To comply with the provisions of the B&CILSP Act, 1986.

- a. **Payment of building and construction industry long service levy** - The applicant must pay the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.
- b. **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate for access.
- c. **Development contribution** - In accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (former S94A) and Council's Development Contribution Plan this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted Section 94A Contributions Plan). A copy of this policy is publicly available from Council's website www.murrumbidgee.nsw.gov.au. Total payment shall be \$80,00.00 (1% of the proposed cost of carrying out the modified development).

The contribution is to be paid prior to the issue of the Construction Certificate, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

<p>10. Construction Management Plan</p> <p>Before the issue of a construction certificate, the applicant must ensure a construction management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:</p> <p>a) Erosion and sediment control measures as set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book).</p> <p>A copy of the approved construction management plan must be kept on-site at all times during construction.</p> <p>Note 5: The information above may be included as a separate document or included on any site or architectural plan.</p>	<p>To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
<p>11. Operational Environment Management Plan</p> <p>Prior to the issue of an Occupation Certificate, the applicant must prepare an Operational Environment Management Plan to the satisfaction of Council, that must be implemented during the operation phase of the development. The plan must include provisions for the planning, control and/or management of the following:</p> <ul style="list-style-type: none"> • Site monitoring, servicing, and maintenance. • Maintenance of groundcover vegetation and landscaping plantings. • Access and security. • Emergencies. • Bushfire risk reduction measures. • Complaints and communications. • Use and storage of fuels, lubricants, herbicides, and other potentially hazardous chemicals. 	<p>To ensure the development is operated in accordance with relevant Australian Standards and best practice.</p>
<p>12. Roads Act 1993 approval</p> <p>The applicant is to submit an application to Murrumbidgee Council for any work within the road reserve (e.g. vehicle crossings, access, road improvement and pavement works for local roads, pursuant to Section 138 of the <i>Roads Act 1993</i>. Details must be provided with the Construction Certificate application.</p>	<p>To ensure that the legislative and regulatory requirements of the Roads Act, 1993 are met.</p>

BEFORE THE COMMENCEMENT OF BUILDING WORK

CONDITIONS	REASON
13. Erosion and sediment controls in place	

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as detail in the construction management plan and approved by the principal certifier) are in place until the site is rectified.

To ensure runoff and site debris do not impact local stormwater systems and waterways.

14. **Signs on site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note 6: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Prescribed by clause 70(2) & (3) of the EP&A Regulation, 2021.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

CONDITIONS	REASON
<p>15. Procedure for critical stage inspections</p> <p>While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Class 1 and 10 Buildings Critical stage inspections are:</p> <ul style="list-style-type: none"> (a) after excavation for, and prior to the placement of, any footings, and (b) prior to pouring any in-situ reinforced concrete building element, and (c) prior to covering of the framework for any floor, wall, roof, or other building element, and (d) prior to covering any stormwater drainage connections, and (e) after the building work has been completed and prior to any occupation certificate being issued in relation to the building. 	<p>To require approval to proceed with building work following each critical stage inspection.</p>
<p>16. Implementation of the construction management plans</p> <p>While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.</p> <p>The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.</p>	<p>To ensure the approved construction management measures are undertaken during construction.</p>

17. **Hours of work**

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7.00am to 6.00pm on Monday to Fridays
- 8.00am to 1.00pm on Saturdays
- No work on Sundays or Public Holidays

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note 9: Any variation to the hours of work requires Council's approval.

To protect the amenity of the surrounding area in accordance with the provisions of the *NSW EPA draft Construction Noise Guideline, 2020*.

18. **Discovery of contamination**

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled, or otherwise disposed of to the requirements of such Authority.

To ensure any contamination found during construction or demolition is dealt with as quickly as possible and to protect the health of the community and the environment.

19. **Uncovering relics or Aboriginal objects**

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

To ensure the protection of objects of potential significance during works.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- (b) is of State or local heritage significance; and*

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being

habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

20. **SafeWork NSW**

The applicant is to comply with all the requirements of SafeWork NSW.

To ensure the construction site is maintained in accordance with legislative requirements.

21. **Cut and fill**

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

To ensure soil imported to the site is safe for future occupants and that soil removed from the site is properly disposed of.

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

PART E - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

CONDITIONS	REASON
<p>22. Works-as-executed plans and any other documentary evidence</p> <p>Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:</p> <ul style="list-style-type: none"> (a) Council requires Compliance Certificates for the following: <ul style="list-style-type: none"> i. Critical stage inspections <p>Note 9: The principal certifier must provide a copy of the compliance certificates and the work-as-executed drawings to Council with the occupation certificate and upload the documents to the NSW Planning Portal.</p>	<p>To confirm the location of works once constructed that will become council assets</p>
<p>23. Removal of waste upon completion</p> <p>Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved</p>	<p>To ensure waste material is appropriately disposed or satisfactorily stored</p>

waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

24. **Operations Environmental Management Plan**

Prior to the issue of a Occupation Certificate, the applicant shall prepare an Operational Environment Management Plan that must be implemented during the construction and operation phases of the development. The plan shall include provisions for the planning, control and/or management of, the following:

- a. Pasture, stock, vegetation and weeds
- b. Emergencies
- c. Bush fire management
- d. Access and security
- e. Complaints and communications
- f. Site monitoring, servicing and maintenance
- g. Fire safety measures including annual certification

To ensure the development is operated in accordance with relevant Australian Standards and best practice.

PART F – OCCUPATION AND ONGOING USE

CONDITIONS	REASON
<p>25. Stormwater Management</p> <p>The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council's stormwater system.</p> <p>Note 12: Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created.</p>	
<p>26. Access, loading and unloading</p> <p>The person or entity with the benefit of the development consent shall ensure the following requirements are adhered to for the lifetime of the development:</p> <ol style="list-style-type: none"> a. The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times. b. All vehicles are required to enter and leave the development in a forward direction to ensure traffic/pedestrian safety. c. All vehicular loading and unloading and parking are to be carried out within the site to prevent interference with the use of the public road. 	<p>To ensure that stormwater is appropriately managed on the site and is properly directed to the drainage network.</p>
<p>27. Storage of hazardous materials</p>	<p>To minimise nuisance from the development as a result of vehicle movement.</p>

The applicant must store and handle all dangerous and hazardous materials on site in accordance with AS 1940-2004: The storage and handling of flammable and combustible liquids. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

To ensure all chemicals are stored in a safe manner.

28. **Bushfire Asset Protection Zone**

A 10 m Asset Protection Zone (APZ) must be maintained between the solar arrays and the perimeter fence. Grass in the APZ must be kept to less than 100 millimetres in height.

To ensure compliance with the NSW RFS guideline 'Planning for Bushfire Protection 2019'.

APPENDIX

Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

Applicant means the applicant for development consent or any person having the benefit of the consent (including, but not limited to, the owner of the property from time to time).

Approved plans means the plans endorsed by Council and specified in Part A of this consent.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the relevant work is undertaken.

BCA means the Building Code of Australia published by the Australian Building Codes Board.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018* and principal certifier means the certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation.

Council means Murrumbidgee Council.

Court means the NSW Land and Environment Court.

Emergency means an actual or imminent occurrence which endangers or threatens to endanger the safety or health of any person(s), property or the environment above the normal state of affairs.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2000*.

LG Act means the *Local Government Act 1993*.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Owner-builder means a person who does 'owner-builder work' as defined in section 29(1) of the *Home Building Act 1989* under an owner-builder permit issued to the person for that work.

Owner means the registered proprietor of the property from time to time.

Principal contractor means the person responsible for the overall co-ordination and control of the carrying out of the building works or the owner where a principal contractor has not been appointed by the owner of the site.

Property means the land to which the development application relates, upon which the development is to be carried out, as set out on page 1 of this consent.

Stormwater drainage system means all works and facilities relating to: the collection of stormwater, the reuse of stormwater, the detention of stormwater, the controlled release of stormwater, and connections to easements and public stormwater systems.

Suitably qualified means a person with at least a degree and 5 years' experience carrying out the type of work that is the subject of the relevant condition.

Chris Smith
& ASSOCIATES

PTY LTD

- CIVIL ENGINEERS
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Approved Company

ISO 9001 - Quality System Management System
ISO 14001 - Environmental Management System
ISO 45001 - OH&S Management System

Section 4.55(2)

DA Modification Report

Extension of Jerilderie Solar Farm

South Coree Road, Jerilderie

DA06-15/16



View of Lot 2 DP 858670 from South Coree Road (Image source: Google Maps)

Ref: 23113

Rev. 1 | October 2023

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Appendix A: Site Plan & Elevations
Appendix B: Ecological Assessment
Appendix C: AHIMS Basic Search Result
Appendix D: Certificate of Title

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1 Introduction

Development Application DA06-15/16 was approved by Murrumbidgee Council on 22 December 2016 for a 1.5 megawatt (MW) solar farm on land addressed as Lot 2 DP 858670, South Coree Road, Jerilderie. The plans and documentation accompanying the consent are:

- Statement of Environmental Effects (SEE) by Solure Pty Ltd dated November 2015
- Site Plan by Solure Pty Ltd dated 20 November 2015
- Elevations by Solure Pty Ltd dated 20 November 2015

Council specified a lapsing date of 12 January 2022, in accordance with section 4.53 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

In 2020, section 4.53 of the Act was updated to grant a two (2) year extension to development consents granted between 25 March 2020 and ending on 25 March 2022. Therefore, the consent lapses on 12 January 2024.

Sunmania Pty Ltd (the applicant) has purchased the consent from Solure Pty Ltd. Construction has not commenced; however, Sunmania is intending to start development as soon as possible.

On behalf of the applicant, Chris Smith & Associates propose to modify DA06-15/16 to increase the size of the solar farm and to add a Battery Energy Storage System (BESS) (the proposal). This report is supported by the documents listed below.

Supporting documents

Appendix	Document	Date	Author
Appendix A	Site Plan & Elevations	-	Birdwood Energy
Appendix B	Ecological Assessment	2023	Leneco
Appendix C	AHIMS Basic Search Result	5/4/23	-
Appendix D	Certificate of Title	-	-

2 The approved solar farm

The approved 1.5 MW solar farm is located on Lot 2 of DP 858670 and consists of:

- 2,850 solar panels mounted on fixed steel frames, with the following specification:
 - Dimensions of 2 m (length) by 1 m (width)
 - Fixed on steel frames in pairs at a 30-degree angle
 - Arranged in 50 rows of 38 panel pairs, and 50 rows of 19 panel pairs
 - North-south distance of 3.47 m between each row
 - East-west distance of 5 m between each row
 - Maximum width of 1.73 m in relation to the ground (due to the 30-degree tilt)
 - Maximum height of 1.5 m above ground level
- One (1) 1.5 MW transformer
 - Connection to the existing 22 kV transmission line on South Coree Road
 - Landscaping buffer on the South Coree Road frontage
 - Vehicle access onto South Coree Road

The approved site plan is shown below. The development footprint is about 3.8 hectares (ha) in area.



A drainage easement crosses the southern portion of Lot 2. The approved plans appear to show solar arrays in the easement. Murrumbidgee Council have advised that there is no infrastructure in the easement.

3 The proposed modification

3.1 Overview

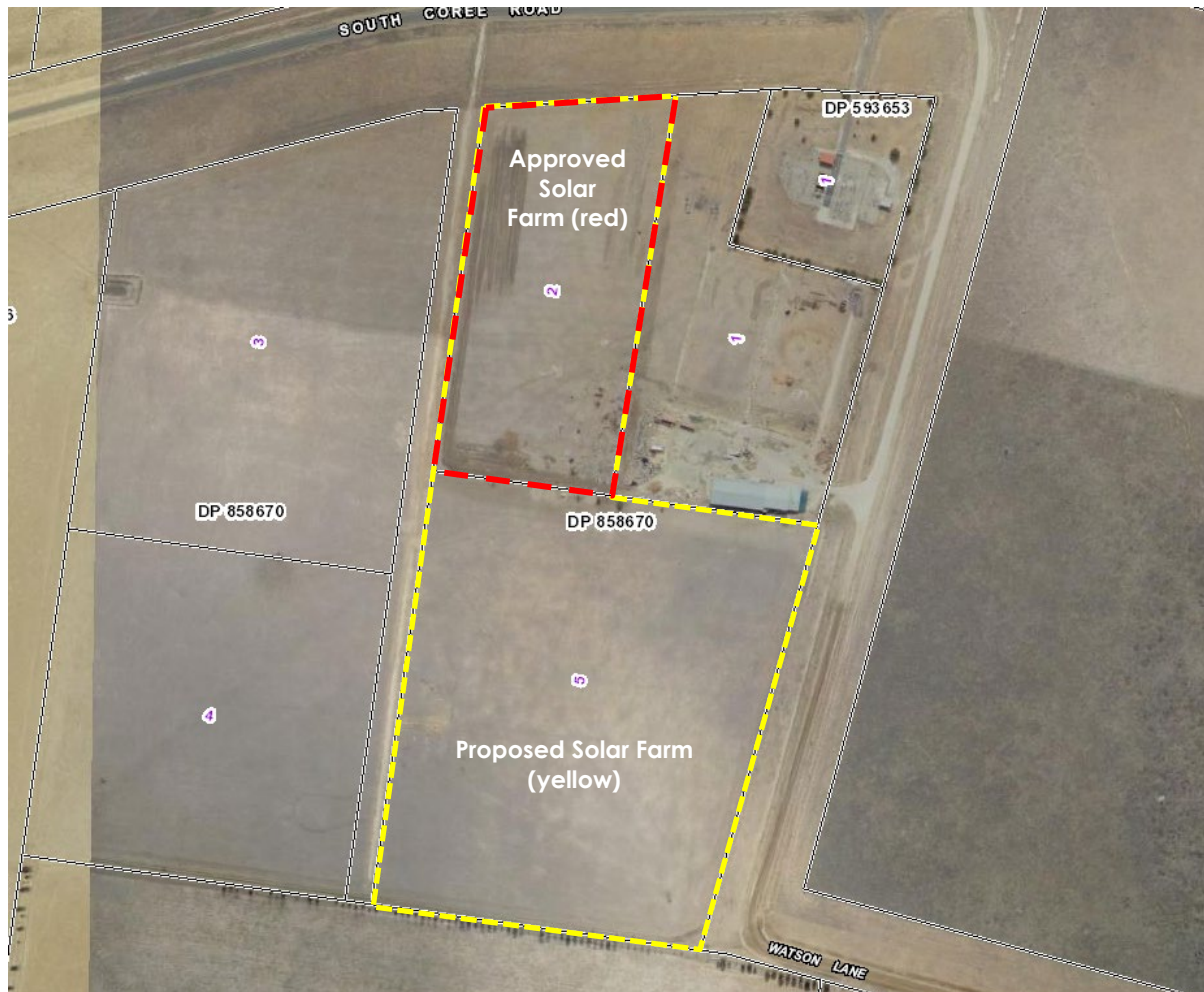
The details of the approved solar farm relative to the proposed modification are listed in the below table, which provides a succinct summary of the sought modification.

The approved solar farm and the proposed modification

The approved solar farm	Proposed modification
Located on Lot 2 DP 858670, only.	Located on Lots 2 and 5 DP 858670. It is expected that Council will impose a condition of consent requiring the landowner to amalgamate the lots to facilitate the development.
Development site of 3.8 ha.	Development site of 13 ha.
1.5 MW capacity.	4.95 MW capacity.
2,850 solar panels mounted on fixed steel frames, with the following specification: <ul style="list-style-type: none"> • Dimensions of 2 m (length) by 1 m (width) • Fixed on steel frames in pairs at a 30-degree angle • Arranged in 50 rows of 38 panel pairs, and 50 rows of 19 panel pairs • Maximum width of 1.73 m in relation to the ground (due to the 30-degree tilt) • Maximum height of 1.5 m 	About <u>12,264 solar panels</u> , mounted on single axis tracking arrays, each having the following specification: <ul style="list-style-type: none"> • Nominal dimensions of 2.2 m (height) by 1.1 m (width) • Maximum height of 2.8 m above ground when at maximum rotation • Supported on poles of 1.5 m in height
One (1) 1.5 MW transformer.	The proposed modification does not include a 1.5 MW transformer. Addition of: <ul style="list-style-type: none"> • <u>One (1) Medium Voltage Power Station</u> consisting of an inverter, transformer, and switchgear, which is about 12.1 m long, 2.8 m tall and 2.4 m wide. • <u>One (1) High Voltage Switchboard</u>, which are typically about 6 m long, 2.8 m tall and 2.4 m wide. • <u>Four (4) BESS containers</u> which are typically about 9.3 m long, 1.7 m wide and 2.6 m tall.
One or more new power poles (not shown on stamped site plan).	One (1) new pole to connect to the 22 kV transmission line on Watson Lane.
Connection to the 22 kV transmission line on South Coree Road.	<ul style="list-style-type: none"> • No connection to the transmission line on South Coree Road. • Addition of a connection to the 22 kV transmission line on Watson Lane.
Perimeter fence (not shown on stamped site plan).	A 2.4 m high chain mesh fence around the perimeter of the facility, including a single gate positioned next to Watson Lane.
Landscaping buffer on the South Coree Road frontage.	<ul style="list-style-type: none"> • Landscaping buffer on the South Coree Road frontage. • A 1 m high post-and-wire stock-proof fence around the landscaping buffer.
New vehicle access onto South Coree Road.	The proposed modification does not include a vehicle access point onto South Coree Road. The modification includes a vehicle access point onto Watson Lane.

The approved solar farm	Proposed modification
No Asset Protection Zone.	10 m wide Asset Protection Zone between the solar panels and the perimeter fence.
No internal roads.	Temporary internal roads will be built for use during construction. They will not be maintained during operation of the proposal.
Applicant is Solure Pty Ltd.	Applicant is Sunmania Pty Ltd.

The development site is shown in below, this shown relative to the footprint of the approved solar farm for clarity. Lots 2 & 5 of DP 858670 have a combined area of about 13 hectares (ha).



Lots 2 and 5 of DP 858670

Source: SIX Maps

3.2 Components

Solar panels

Each tracking panel is about 2.2 m tall by 1.1 m wide.

The panels would be mounted onto a single axis tracker (SAT) system. The SAT system is designed to track the movement of the sun so that the panels constantly move to align towards the sun, as per the photos provided below.

The panels and the associated SAT would be supported on ground-mounted frames consisting of vertical posts (piles) and horizontal rails (tracking tubes). Rows of piles would be driven or screwed into the ground, depending on the geotechnical conditions, and the supporting racking framework would be mounted on top.

The piles are 1.5 m in height. The height of the panels at their maximum tilt angle (60 degrees) would be 2.8 m from the ground.

The panels would be installed in rows in a north-south direction.

In ideal conditions the panels can generate up to 6.99 MW DC. The direct current (DC) travels through buried cables to the MVPS, where it is transformed into alternating current (AC). The AC power would then travel to the HVSB, before being exported to the electricity grid.



Nextracker SAT system – panels tilted in morning

Source: (Nextracker, 2022a)



Nextracker SAT system – panels flat at midday

Source: (Nextracker, 2022b)

Battery Energy Storage System

The BESS would draw and store energy from the grid and/or from the solar farm during off-peak periods. This energy would be dispatched back into the grid during peak periods, thereby improving grid reliability and network stability.

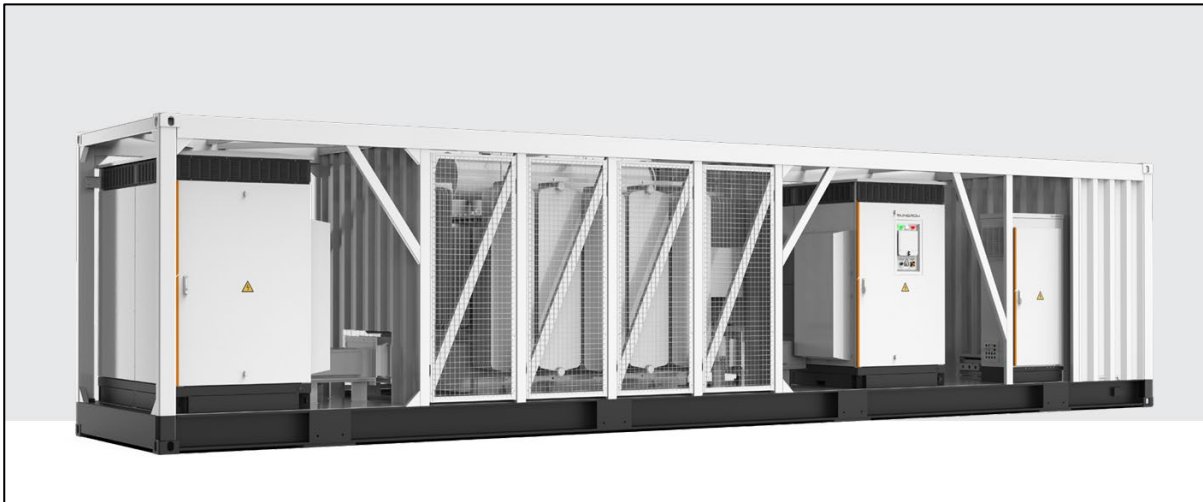
The BESS would use lithium-ion batteries. Batteries would be stored in fully enclosed shipping or modular containers, mounted on concrete footings. Subject to final design and equipment selection, each container would be about 9.3 m long, 1.7 m wide and 2.6 m tall.

The containers would be a matte white/grey colour.

The containers are prefabricated and would be transported to the site on trucks. Installation of the BESS would be relatively simple. The BESS containers would connect to the MVPS via buried cables.

Medium Voltage Power Station

A Sungrow SG4950 HV-MV Medium Voltage Power Station (MVPS) is proposed, which consists of an inverter, transformer, and switchgear. The MVPS converts DC power from the solar panels to AC power. The transformer then changes the AC power voltage to 22 kV. The electricity is then sent through the switchgear, through underground cables, to the HVSB, and into the electricity grid. The maximum power output that would be exported to the grid is 4.95 MW.



Sungrow SG4950 HV-MV power station

Source: (Sungrow, 2023)

High Voltage Switchboard

The High Voltage Switchboard (HVSB) regulates the passage of electricity coming from the transformer. It would connect to the 22 kV transmission line on Watson Lane.

Landscaping buffer

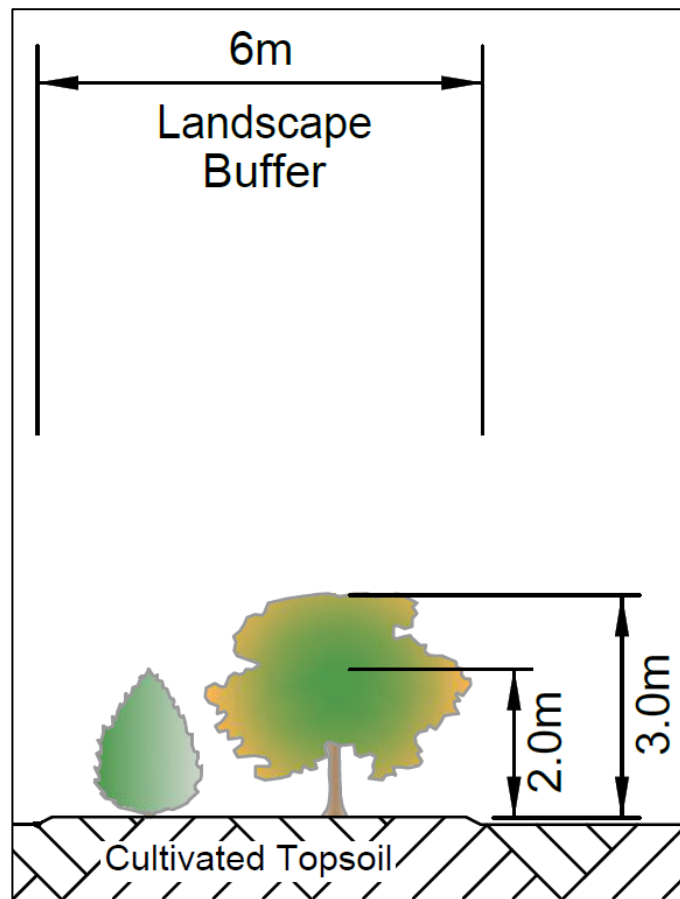
The SEE for the approved development states that a landscaping buffer would be included on the South Coree Road frontage. It is not shown on the stamped plans.

It is proposed to plant a 6 m wide landscaping buffer on the South Coree Road frontage, and a 2 m wide buffer along the northern extent of the western and eastern property boundaries.

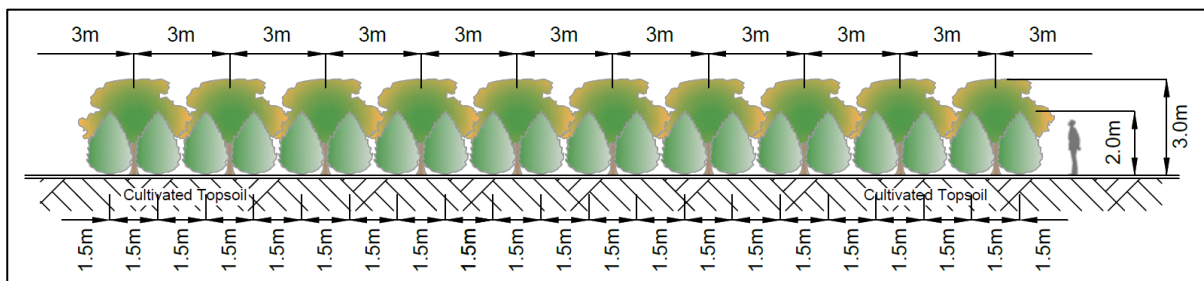
The landscaping buffer would be inside the perimeter fence and would be protected by a 1 m high post and wire stock fence. The planting schedule, elevations and layout are shown below.

Planting schedule

Botanical Name	Common Name	Planting Size	Mature Size
Adenanthos Sericeus	Silver Woolly Bush	50mm Tube with Bio-Guard	2m H x 1.5m W
Corymbia Ficifolia	Grafted Flowering Gum	50mm Tube with Bio-Guard	3m H x 3m W



Indicative planting elevation – South Coree Road frontage



Indicative planting layout – South Coree Road frontage

The maintenance plan is shown below. These instructions will be included in the Operational Environmental Management Plan (OEMP) for the proposal, ensuring that the buffer is maintained until the proposal is decommissioned.

Landscape maintenance plan

Task	Time Period
Planting of local drought tolerant plants (refer Plant Schedule)	Upon construction of solar panels perimeter fence
Water at planting & then fortnightly	1st & 2nd month after planting
Maintenance (watered by rainfall or as required)	
Visual inspection once a month ensuring plants are alive	3rd to 5th month after planting
Visual inspection once every 3 months ensuring plants are alive	6th to 8th month after planting

Task	Time Period
Visual inspection once every 6 months ensuring plants are alive	9th month to 30 years after planting

3.3 Construction phase

Traffic, access, and parking

During construction, the development site would be accessed via a new crossover from Watson Lane.

A laydown area and internal truck route would be constructed of pressed earth and rock. These would be used during construction. They would not be maintained after construction is complete. The laydown area includes a 130 m² area for car parking.

On-site construction would be mainly limited to the assembly and connection of components with the typical solar panels readily transportable via 12.5 m rigid trucks. Only the MVPS and possibly the BESS containers, must be delivered to the site by a 19 m semi-trailer.

Laydown area

A laydown area will be established near the access gate to the facility, as shown on the **Site Plan** (refer Appendix A). It is likely to consist of the following temporary facilities:

- Site office
- Lunch/dining room
- Amenities block
- Equipment laydown area
- Waste receptacles
- Spoil stockpile areas
- Storage areas for construction materials

These temporary facilities will be removed from the site once construction is complete.

Earthworks

Earthworks will be undertaken to:

- Construct the new crossover from Watson Lane
- Construct the laydown area and internal truck route
- Pile drive the tracking system
- Place footings for the BESS containers, MVPS & HVSB
- Install the power pole
- Install the security fence posts
- Install underground cables

Waste management

The construction waste generated would be limited to hole boring for pad footings, wire cut-offs and packaging waste. This waste would either be disposed of at a waste management facility within the Murrumbidgee LGA or transported to a larger facility in Wagga Wagga or Griffith.

Timing and staging

Construction will take place during standard construction hours:

- 7 am to 6 pm Monday to Friday
- 8 am to 1 pm on Saturday
- No work on Sunday or public holidays

Non-noise-generating activities may take place outside of these hours, such as electrical equipment testing and equipment inspection.

Construction will take about nine (9) months. The estimated construction timeline and equipment are detailed below.

Estimated construction timeline and equipment

Month	Site works	Equipment and activity
1	<ul style="list-style-type: none"> • Site preparation • Fencing • Planting of landscaping 	<ul style="list-style-type: none"> • Concrete truck and associated pump for fence construction • Excavator for landscaping • Water trucks for dust suppression • Mower for weed control
1	<ul style="list-style-type: none"> • Construction of new crossover, internal access track, laydown area, and car parking area. • Setup of site amenities. 	<ul style="list-style-type: none"> • Excavator • Tamping rammer / compactor • Grader • Water trucks for dust suppression
1-6	Delivery of components and materials to the site.	<ul style="list-style-type: none"> • Rigid trucks and semi-trucks for material and equipment deliveries • Telehandler / forklift to move goods into stockpiles
2-7	<ul style="list-style-type: none"> • Pile driving for tracking panel support poles. • Installation of tracking panels, modules, and cable string. • Trenching and installation of underground DC cables and HV cables. • Construction of concrete footings for BESS, MVPS & HVSB • Installation of BESS, MVPS & HVSB. • Installation of market meter, weather station, Supervisory Control and Data Acquisition system, and security cameras. 	<ul style="list-style-type: none"> • Excavator for cable trenching • Tamping rammer / compactor for backfilling / compaction • Impact piling rig and crawler to install tracking panel support poles • Telehandler for panel installation • Crane to install equipment containers • Powered hand tools • Water trucks for dust suppression • Waste truck fortnightly
7-9	HV Kiosk connection, testing and commissioning.	<ul style="list-style-type: none"> • Mobile elevated work platform for energisation • Powered hand tools • Waste truck fortnightly
9	Site cleanup and demobilisation.	<ul style="list-style-type: none"> • Semi trucks • Private vehicles • Waste truck fortnightly

3.4 Operational phase

Operational activities

During operation the proposal will be remotely monitored, allowing for constant surveillance without the need for on-site staff. On-site operational activities will consist of:

- Routine visual inspections.
- Maintenance, repairs, and replacement of facility components.
- Cleaning of the solar panels.
- Maintenance of groundcover vegetation and landscaping plantings.
- Pest plant and animal control.
- Site security response (24 hr), if required.
- Site operational response (24 hr), if required.

Traffic, access, and parking

During operation it is expected that a maximum of four vehicles will visit the site each year. No formal car parking area is proposed for the operational phase of the proposal.

Waste management

Operational waste will consist of that generated by site contractors and any supplies required for maintenance or repair. This waste will be disposed of appropriately by the contractors.

Agriculture

The development site is owned by Murrumbidgee Council, who leases the land to a farmer to undertake grazing.

It is believed that the operator would lease the development site from Council.

After construction, the facility operator can choose to lease the land within the perimeter fence for grazing.

3.5 Decommissioning phase

End-of-life options

The components of the facility have an operating life of approximately 30 years, at which stage there are likely to be three main options for consideration:

- Continue to use the development site as a solar farm using the existing infrastructure, potentially with some refurbishments.
- Replace/modernise all project infrastructure and continue to operate as a new/significantly upgraded solar farm.
- Decommission the facility and rehabilitate the site so the land can be returned to agricultural use.

Decommissioning activities

Decommissioning is expected to proceed in the reverse order of construction:

- The facility will be disconnected from the electricity grid.
- The solar panels and tracking system will be removed, including the foundation posts.
- The BESS, MVPS, HVSB and underground cabling will be removed.
- Fencing will be removed including the small concrete footings.
- Soil remediation treatments will be applied as required, for example, sodic soil will be treated as necessary with lime or gypsum. Areas subject to compaction will have the topsoil ripped to a depth suitable for seeding, if appropriate.
- Ground cover vegetation will be restored with disturbed areas seeded, in consultation with the landowner.

After successful decommissioning, no elements of the facility will be left on site, either above or below ground, to allow the restoration of the previous land use.

Waste management

Most of the facility components have salvage value. All recyclable materials, salvaged and non-salvage, will be recycled to the furthest extent possible. All other non-recyclable waste materials will be disposed of in accordance with state and federal law in an approved licensed solid waste facility.

Solar panels

Panels in working condition may be refurbished and sold in a secondary market. If this is not possible, the panels will be recycled at a licenced solar panel recycling facility. Currently there are at least five operators in Australia: Reclaim PV, PV Industries, SolaCycle, Ecoactiv, and Lotus Energy.



Lotus Energy's solar panel recycling plant

Source: (Lotus Energy, 2022)

Tracking system

The steel foundations and steel components from the tracking system will be salvaged and sold for recycling.

Fence

The fence mesh and posts will be reused or recycled.

BESS, MVPS and HVSB

Depending on the condition, the BESS, MVPS and HVSB may be sold for refurbishment and re-use. If not re-used, they will be salvaged or disposed of at an approved solid waste management facility. Oils, liquids, and lubricants will be collected and disposed of at a licensed facility.

Cabling

Cabling will be recycled. This involves separating the cable insulation from the metal so that the components can be reused. The below image shows cable insulation and other solar farm components after recycling.



Cable insulation and other solar farm components after recycling

Source: (Lotus Energy, 2023)

Traffic, access, and parking

Traffic requirements will be similar in type but of shorter duration than that required for the construction phase.

4 Consultation

4.1 Pre-DA consultation

CS&A staff and Murrumbidgee Council planning staff met on 1 June 2023 to clarify the requirements for the DA modification.

4.2 Notification

Section 7 of Schedule 1 of the EP&A Act specifies the community participation requirements for the proposal. Notification of the proposed modification will be undertaken by Murrumbidgee Council in accordance with Council's Community Participation Plan (2019). The plan specifies a notification period of up to 14 days for modification of development consents that are required to be publicly exhibited by the regulations.

5 Statutory framework

5.1 Statutory referrals

One statutory referral is required, to Essential Energy under section 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP (Transport and Infrastructure) 2021).

5.2 Environmental Planning & Assessment Act 1979

Section 4.14 - Consultation and development consent - certain bush fire prone land

Section 4.14 relates to development on bush fire prone land. Lots 2 and 5 are not bush fire prone land (NSW RFS, 2023), therefore section 4.14 is not applicable.

Section 4.55 - Modification of consents—generally

The proposed modification requires development consent under section 4.55(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act). This includes the following components:

- Solar panels
- BESS
- Inverter station
- HV Kiosk
- New pole

The following components do not require development consent:

- Chain mesh perimeter fence and stock-proof fence: exempt under section 2.35 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- Landscaping: 'environmental protection works' are permitted without consent in the RU1 Primary Production zone under *Jerilderie Local Environmental Plan 2012* (Jerilderie LEP 2012).
- Grazing under the solar panels: 'extensive agriculture' is permitted without consent in the RU1 Primary Production zone under *Jerilderie LEP 2012*.

The below table details where the provisions of section 4.55(2) are addressed in this report.

Assessment against section 4.55(2)

Clause	Where it is addressed in this report
(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed modification would result in substantially the same development as that approved under DA06-15/16. Refer to section 3 for discussion.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The proposed modification has not been notified.
(c) it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	Notification of the proposed modification will be undertaken by Murrumbidgee Council in accordance with Council's Community Participation Plan (2019).

Clause	Where it is addressed in this report
(d) it has considered any submissions made concerning the proposal within the period prescribed by the regulations or provided by the development control plan, as the case may be.	The proposed modification has not yet been notified.
(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The section 4.15(1) matters for consideration are addressed below.

Section 4.15 - Matters for consideration

Section 4.15 of the EP&A Act outlines the matters that must be taken into consideration by a consent authority when assessing a DA under Part 4 of the EP&A Act. The below table details where the matters for consideration are addressed in this report.

Section 4.15 matters for consideration

Matters for consideration - general	Where it is addressed in this report
(a) the provisions of— (i) any environmental planning instrument, and	Sections 5.3-5.4
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable
(iii) any development control plan, and	Section 5.5
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	Not applicable
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Section 7
(c) the suitability of the site for the development,	Section 10
(d) any submissions made in accordance with this Act or the regulations,	Not applicable
(e) the public interest.	Section 11

5.3 SEPP (Transport and Infrastructure) 2021

Section 2.36 - Development permitted with consent

Electricity generating works are permitted with consent in prescribed non-residential zones under section 2.36(1) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (SEPP (Transport and Infrastructure) 2021).

It is proposed to extend the solar farm to include Lot 5 DP 858670. Lot 5 is zoned RU1 Primary Production under the Jerilderie LEP 2012, which is a prescribed non-residential zone under the SEPP.

Section 2.48 - Determination of development applications—other development

Section 2.48 requires the proposal to be referred to Essential Energy if it involves development carried out”

“(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line

development within 5 m of an exposed overhead electricity power line.”

The approved solar farm includes connection to an existing transmission line along South Coree Road. It is proposed to instead connect to the transmission line along Watson Lane. This would involve development within 5 m of an exposed overhead electricity power line.

A 66 kV transmission line and easement cross the northern edge of Lot 2. It is proposed to plant landscaping within this easement.

Therefore, the proposal must be referred to Essential Energy.

5.4 Jerilderie Local Environmental Plan 2012

The relevant clauses of Jerilderie LEP 2012 are addressed below.

Zone objectives and Land Use Table (clause 2.3)

It is proposed to extend the approved solar farm to include Lot 5 DP 858670. Akin to the currently approved site, Lot 5 is also zoned RU1 Primary Production. The approved solar farm is defined as “electricity generating works” under the LEP, which is prohibited in the zone.

However, the provisions of SEPP (Transport and Infrastructure) 2021 override those of the LEP, as detailed in section 5.3 of this report.

The proposed modification is consistent with the zone objectives, as demonstrated below.

RU1 zone objectives

Objective	Comment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Lot 5 is currently used for grazing. The development of a solar farm and BESS on the lot would not degrade the land. The facility would operate for about 30 years. After this time, it would either be upgraded or decommissioned. After it is decommissioned, the land would once again be able to be used for grazing.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	The proposal would support primary industries in the area by supplying affordable, renewable electricity.
To minimise the fragmentation and alienation of resource lands.	Lots 2 and 5 are proposed to be leased to the applicant and the farm not fragmented, alienated, or potentially overcapitalised by subdivision.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposal has been sympathetically designed and would have measures in place to control and manage environmental impacts so that there will be minimal potential for land use conflict.

Earthworks (clause 6.1)

Earthworks are required to construct the proposal, as detailed in section 3.3 (construction phase) of this report.

With the implementation of the safeguards detailed in section 7.8 (soil and water) of this report, the proposed earthworks are not expected to have any adverse effects on the environment.

Terrestrial biodiversity (clause 6.4)

The northern portion of Lot 2 and the eastern portion of Lot 5 are mapped as containing terrestrial biodiversity. An **Ecological Assessment** has been prepared for the proposal by an independent ecologist and is attached to this report. The assessment found that the development of a solar farm & BESS on Lot 2 and Lot 5, is not likely to have a significant impact on any Threatened Ecological Communities.



Terrestrial biodiversity

Source: ePlanning Spatial Viewer

5.5 Jerilderie Development Control Plan 2012

The Jerilderie Development Control Plan 2012 contains the following rural development objectives:

"Agriculture and primary production"

- *Promote areas suitable for agricultural production activities, ensuring that activities are not affected by potential land use conflict, unnecessary fragmentation or the alienation of existing land uses.*
- *Agricultural and primary production must be undertaken in a sustainable approach which considers:*
 - *Managing environmental values*
 - *Managing and conserving the productive characteristics and qualities of the land and soils. Protecting the ecological values associated with waterways*
 - *Minimising weed infestations.*

Rural Landscape

- *Protect the scenic values of the rural landscape and environment and encouraging development to be unobtrusive and sympathetic to the surrounding rural setting.*
- *Maintain and enhance existing vegetation to provide buffers and landscaped visual relief within rural areas."*

The proposal meets these objectives:

- The proposal would not cause land use conflict with the nearby agricultural or rural residential properties.
- The proposal would not have any negative impacts on the rural landscape because it would be obscured from view of South Coree Road by a landscaping buffer.

6 Strategic context

6.1 NSW Net Zero Plan Stage 1: 2020-2030

The Net Zero Plan Stage 1: 2020-2030 (2020) sets the framework for how the NSW Government will achieve net zero emissions by 2050. The plan aims to strengthen the prosperity and quality of life of the people of NSW, while helping to achieve the State's objective to deliver a 70% cut in emissions by 2035 compared to 2005 levels.

The proposal supports the net zero goal by producing and storing electricity from a renewable resource.

6.2 NSW Electricity Strategy (2019)

The NSW Electricity Strategy (2019) is the NSW Government's plan for a reliable, sustainable, and affordable energy system. The strategy aligns with the Net Zero Plan and supports the development of new electricity generation facilities.

The proposal will produce and store renewable energy and is generally in accordance with the strategy.

6.3 NSW Electricity Infrastructure Roadmap (2020)

Four coal-fired power stations, providing around three quarters of the state's energy needs, have reached the ends of their technical lives (AEMO, 2023a). Accordingly, there is a need

to ensure that sufficient electricity supply is available ahead of coal withdrawal to mitigate potential for steep price increases.

To achieve this goal the NSW Government established the *Electricity Infrastructure Investment Act 2020* to co-ordinate investment in new generation, storage, and network infrastructure in NSW.

The Act gives effect to the Electricity Infrastructure Roadmap (2020), plan to modernise the electricity system and deliver new generation, transmission, long duration storage and firming technology. The Roadmap sets objectives to deliver by 2040 at least:

- The equivalent of 12 gigawatts of new renewable electricity generation
- 2 gigawatts of long-duration (8 or more hours) storage

The proposal will help to meet these targets by storing electricity and exporting a maximum of 4.95 MW to the electricity grid.

6.4 Murrumbidgee Land Use Plan 2022

The purpose of the Murrumbidgee Land Use Plan (2022) is to provide a clear direction to achieving Murrumbidgee's medium to long-term urban and rural growth needs. The objectives of the plan are to assist in:

- *“Preparing a new consolidated Local Environmental Plan for the newly formed Murrumbidgee Council area;*
- *Providing the community with a greater degree of certainty and confidence regarding future land use planning decisions for the area;*
- ***Maintaining productive agricultural land not required for urban expansion, whilst also encouraging alternative rural and complementary industries and renewable energy developments;***
- *Protecting the natural environment including biodiversity and heritage from use and development;*
- *Ensuring that infrastructure works are appropriately planned for and funded to support growth;*
- *Separating incompatible land uses;*
- *Reducing development speculation; and*
- *Considering development proposals.”*

The proposal supports the objectives of the plan because it is for the expansion of an approved renewable energy development which would incorporate grazing under the solar panels.

The solar panels, BESS containers, inverter station and HV Kiosk have a small physical footprint on the land. This means that most of the development site would be able to be used for grazing. The proposal would only result in a small reduction in the amount of land available to be used for agriculture.

6.5 Murrumbidgee Council Local Strategic Planning Statement 2020

The Murrumbidgee Council Local Strategic Planning Statement (LSPS) establishes a 20-year vision for land use planning in the Murrumbidgee Council area. The strategic vision is to experience land use and development outcomes in the future that both benefit the community and minimise environmental impacts. The LSPS contains 43 agenda items grouped under four broad categories:

- Built environment
- Natural environment

- Infrastructure
- Economic growth

Agenda item EG7 is listed under the category of economic growth and is titled “Productive agricultural land.” The ambition of EG7 is:

“To prevent development that reduces the amount of land available for agriculture.

To prevent development that creates conflict with agriculture and the wider agricultural supply chain.”

The proposal would incorporate grazing under the solar panels and would only slightly reduce the amount of land available to be used for agriculture.

The proposal is not expected to cause any land use conflicts.

The proposal is in accordance with agenda EG7.

Agenda item EG14 is listed under the category of economic growth and is titled “Renewable energy projects.” The ambition of EG14 is:

“To support projects for renewable energy and in particular solar farms.

To manage any off-site impacts of renewable energy projects during both construction and operation.”

The proposal would not cause any significant adverse off-site impacts during construction or operation, as discussed in section 7 of this report. The proposal is in accordance with agenda item EG14.

6.6 Riverina Murray Regional Plan 2041 (2023)

The Riverina Murray Regional Plan 2041 is a 20-year blueprint for the future of the Riverina Murray. The plan contains 18 objectives grouped under three broad themes:

- Part 1: Environment
- Part 2: Communities and places
- Part 3: Economy

Objective 11 is to ‘plan for integrated and resilient utility infrastructure’. The proposal would generate and store electricity for peak-time use in Jerilderie and the surrounding area. The proposal supports this objective.

Objective 13 is to ‘support the transition to net zero by 2050.’ The proposal supports this objective by generating and storing renewable energy.

Overall, the proposal is in accordance with the objectives of the plan.

7 Potential impacts of the proposal (section 4.15 assessment)

This section contains an assessment of the impacts of the proposal in accordance with the matters for consideration under **Section 4.15 of the EP&A Act**. It describes the existing environment, assesses the potential environmental impacts of the proposal, and recommends safeguards.

7.1 Air quality

Existing environment

The development site is within an agricultural environment where 24-hour farming activities are routinely carried out throughout the year. The air quality is generally good; however, it may be negatively impacted by odour, farming machinery, trucks, light vehicles, ploughing, or spraying.

The closest sensitive receiver is Jerilderie Nature Reserve, which is on the eastern side of Watson Lane.

Impact assessment

Construction

The potential impacts during construction to air quality include:

- An increase in particulate matter, carbon monoxide and nitrogen oxide emissions to the environment due to the combustion of fuel and resulting exhaust emissions.
- An increase in airborne dust to the environment due to:
 - construction operations
 - building material handling activities
 - onsite vehicle movements on unsealed road sand
 - clearing of flora and vegetation exposing dust
- Dust emissions may be generated as a result of earthwork activities, particularly during dry and windy conditions. Excessive dust generation may be detrimental to human health, reduce visual amenity as well as smother vegetation and impact fauna.

To reduce the risk of impacts, the CEMP will include measures to control dust generation and monitor vehicle emissions.

With the implementation of the condition of consent detailed below, construction of the proposal is not expected to significantly reduce air quality.

Operation

Operation of the proposal is not expected to reduce air quality.

Recommended condition of consent

- A. Prior to the issue of a Construction Certificate, the applicant will prepare a Construction Environmental Management Plan to the satisfaction of Council, that must be implemented during the construction phase of the development. The CEMP will include measures in accordance with:
 - Erosion and sediment control on unsealed roads (OEH 2012)
 - Managing Urban Stormwater – Soils and Construction, Volume I (Landcom 2004)
 - Managing Urban Stormwater – Soils and Construction, Volume II (DECC 2008)
 - A Resource Guide for Local Councils: Erosion and Sediment Control (DEC 2006)

7.2 Bushfire risk

The approved facility

DA06-15/16 was approved on 22 December 2016. At this time Planning for Bushfire Protection 2006 was in effect, which did not include provisions for solar farms.

The approved facility includes a 1.5 MW transformer, which is located at the centre of the facility. There is a 5 m gap between the rows of panels from the South Coree Road frontage to the transformer, which facilitates vehicle access. This ensures that the transformer is readily accessible in the event of a fire.

The proposed modification - impact assessment

Construction

Construction of the proposal is not expected to increase the risk of bushfire.

APZ

Section 8.3.5 of Planning for Bushfire Protection 2019' (PBP 2019) (NSW RFS, 2019) contains the following requirements for wind and solar farms:

- "A minimum 10m APZ for the structures and associated buildings/infrastructure; and
- The APZ must be maintained to the standard of an IPA for the life of the development."

The proposal includes a 10 m APZ (asset protection zone), which will be maintained by contractors during the operation of the facility to ensure that risk from bushfire is kept to a reasonable level.

Design and management

Section 8.3.5 of PBP 2019 requires that:

"Essential equipment should be designed and housed in such a way as to minimise the impact of bush fires on the capabilities of the infrastructure during bush fire emergencies. It should also be designed and maintained so that it will not serve as a bush fire risk to surrounding bush."

The proposal has been designed to reduce bushfire risk:

- The BESS containers, inverter station and HV Kiosk are centrally located to the facility to ensure they are easily accessible in a fire event.
- Cabling would be below ground and would not impede access for emergency service vehicles.

The proposal would be managed to reduce bushfire risk:

- A 10 m Asset Protection Zone will be maintained between the solar panels and the chain mesh fence.
- The solar farm and BESS would be monitored remotely. If an electrical fault is detected, staff would be automatically alerted, and if required, a contractor would attend the site.
- If necessary, the solar farm and BESS can be switched off remotely.
- In an emergency, both emergency services and the landholder would be alerted.

Bush Fire Emergency Management and Operations Plan

Section 8.3.5 of PBP 2019 requires that:

“A Bush Fire Emergency Management and Operations Plan should identify all relevant risks and safeguards associated with the construction and operation of the wind or solar farm. This should include:

- detailed measures to prevent or mitigate fires igniting;*
- work that should not be carried out during total fire bans;*
- availability of fire-suppression equipment, access and water;*
- storage and maintenance of fuels and other flammable materials;*
- notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and*
- appropriate bush fire emergency management planning.”*

Bush fire reduction measures will be included in the OEMP for the proposal.

With the implementation of the conditions of consent listed below, operation of the proposal is not expected to significantly increase the risk of bushfire.

Recommended conditions of consent

- B. A 10 m Asset Protection Zone (APZ) must be maintained between the solar arrays and the perimeter fence. Grass in the APZ must be kept to less than 100 mm in height.

It is recommended that an OEMP be prepared for the facility prior to the issue of a Construction Certificate. The OEMP should contain measures to reduce bushfire risk, which includes maintenance of the groundcover vegetation.

- C. Prior to the issue of a Construction Certificate, the applicant must prepare an Operational Environment Management Plan to the satisfaction of Council, that must be implemented during the operation phase of the development. The plan must include provisions for the planning, control and/or management of the following:
- Site monitoring, servicing, and maintenance.
 - Maintenance of groundcover vegetation and landscaping plantings.
 - Access and security.
 - Emergencies.
 - Bushfire risk reduction measures.
 - Complaints and communications.
 - Use and storage of fuels, lubricants, herbicides, and other potentially hazardous chemicals.

7.3 Hazard and risk

The approved facility

As described above, the approved facility has been designed to facilitate vehicle access to the transformer in the event of a fire. The approved facility is not expected to pose any hazards or risks to the surrounding area.

The proposed modification - impact assessment

Though highly unlikely, operation of the proposal may pose several hazards. Bushfire risk is discussed in section 7.2 and other hazards are discussed below.

Photo-Voltaic Heat Island effect

An Expert Witness Report was prepared by Ken Guthrie for several solar farms in the Shepparton Local Government Area to understand the potential impacts. The report

concluded that any increase in air temperature from the solar farms would be negligible, and any radiant heat would be substantially reduced by landscaping (Sustainable Energy Transformation, 2018, p. 18).

The Photo-Voltaic Heat Island effect is not expected to have any impact on adjoining properties for the following reasons:

- The presence of groundcover vegetation beneath the solar panels will significantly reduce the potential for re-radiant heat beneath the panels.
- Areas of elevated air temperature will be dispersed by prevailing winds in the region.
- The proposed landscaping will reduce any increased air temperatures.

Electromagnetic radiation (EMR)

Many components of the proposal produce varying levels of electromagnetic emissions. Electromagnetic radiation (EMR) is the transfer of energy in the form of a stream of particle or electromagnetic waves.

Electric and magnetic fields are present wherever electricity is generated, transmitted, or distributed in cables or powerlines, or consumed in electrical devices such as TVs, computers, or fridges. Since our modern lifestyle depends on the use of electricity, these fields are universally present in our environment (UNEP, WHO & ILO, 2007). Depending on its frequency or wavelength, electromagnetic radiation can be arranged into the following general classifications:

- Extremely Low Frequency (ELF)
- Very Low Frequency (VLF)
- Radio Frequency (RF)
- Microwave (MW)

Extremely low frequency radiation is radiation which occupies the lower end of the electromagnetic spectrum, specifically, in the frequency range of 0-3000 Hz. An example of ELF radiation is the radiation produced by electrical infrastructure which, in Australia, operate at 50 Hz. The proposal will produce electric and magnetic fields at a frequency of 50 Hz, which is not expected to cause any adverse impacts.

Emergency management

The proposal will be remotely monitored in real time. In the event of a fault or potentially dangerous situation an alarm will automatically report to 'on-call' staff. There will be no audible alarm at the facility.

The OEMP for the proposal will contain emergency management measures.

Recommended condition of consent

It is recommended that an OEMP be prepared for the facility prior to the issue of a Construction Certificate, as per condition C in section 7.2 (Bushfire risk) of this report. The OEMP should contain emergency management measures.

7.4 Ecology

The approved facility

The approved facility is located on Lot 2 DP 858670, only. Lot 2 was previously cleared and used to grow crops, with no trees or shrubs remaining. A historical photograph of Lot 2 and 5 is shown below. Modern aerial imagery indicates that some trees and/or shrubs have been planted on Lot 2. However, the prevailing land use on Lot 2 is grazing.

Existing environment of Lot 5

Lot 5 was previously cleared and used to grow crops, with no trees or shrubs remaining. Modern aerial imagery indicates that some trees and/or shrubs have been planted on Lot 5. However, the prevailing land use of Lot 5 is grazing.



Lots 2 and 5 of DP 858670, 5 December 1967

Source: (State of NSW, 2023)

The proposed modification – impact assessment

Construction

During construction, potential impacts to fauna and flora include:

- The disturbance of soil potentially displacing ground-dwelling fauna such as amphibians and reptiles.
- Construction noise and lighting may cause minor disturbance to resident fauna within the locality and disrupt their natural behaviour.
- Pollution such as chemical spills from construction machinery.
- Ground disturbance by machinery during the construction phase may create dust and facilitate the movement of sediment.

The **Ecological Assessment** (refer Appendix B) found that the development of a solar farm & BESS on Lot 2 and Lot 5, is not likely to have a significant impact on any Threatened Ecological Communities.

Provided the condition of consent below is implemented, no significant impacts are likely to occur to threatened species, threatened ecological communities or migratory species because of the proposal.

Operation

Operation of the proposal is not expected to have any significant adverse impacts on threatened species, threatened ecological communities or migratory species.

Recommended condition of consent

To reduce the risk of weed spread and impacts to native vegetation, it is recommended that a CEMP be developed for the proposal and complied with for the duration of the construction works, as per condition A in section 7.1 (Air quality) of this report.

7.5 Heritage – Aboriginal and non-Aboriginal

The approved facility

The approved facility is located on Lot 2 DP 858670, only. The Statement of Environmental Effects for the facility does not identify the presence of any Aboriginal or non-Aboriginal heritage items on Lot 2.

Existing environment of Lot 5

The following databases were searched:

- World Heritage List
- Australia's National Heritage List
- Australia's Commonwealth Heritage List
- Australia's Register of the National Estate
- Aboriginal Heritage Information Management System (AHIMS) (NSW)
- NSW State Heritage Register
- Local heritage items under the Local Environmental Plan

No items of heritage value are mapped within or near Lot 5. An **AHIMS Basic Search Result** has been produced for Lot 5 (refer Appendix C), the site has been highly disturbed by cropping and is not subject to any Native Title claims (NNTT, 2023).

The proposed modification – impact assessment

It is expected that Council will impose a suitable condition of consent regarding the discovery of unexpected heritage items. With the implementation of this condition, construction and operation of the proposal are not expected to have any significant adverse impacts on Aboriginal or non-Aboriginal heritage.

7.6 Noise

The approved facility

Construction of the approved facility would generate noise from piling, trenching, earthworks, and other site activities. In addition, vehicles accessing the site would generate noise.

Construction is expected to generate similar noise levels to that of the proposed expanded facility, although for a shorter duration, as the facility is smaller in scale and would have a shorter construction timeframe.

During operation, the 1.5 MW transformer may generate noise, however this is not expected to cause any adverse impacts to surrounding properties.

Existing environment – Lot 5

Lot 5 is within an agricultural environment where 24-hour farming activities are routinely carried out throughout the year. The closest dwelling is about 350 m northeast of the development site at 1 Rankin Road. The closest sensitive receiver is Jerilderie Nature Reserve, on the eastern side of Watson Lane.

The proposed modification – impact assessment

Construction

Section 3.3 (construction phase) describes the construction staging and timing for the proposed expanded facility. Construction activities have the potential to cause adverse noise impacts on sensitive receivers. With the implementation of the safeguard listed below, construction of the proposal is not expected to cause significant adverse noise impacts.

Operation

During operation, the inverter station and BESS containers will generate noise, however this is not expected to cause any adverse impacts to surrounding properties.

Recommended condition of consent

To reduce the risk of noise impacts during construction, it is recommended that a CEMP be developed for the proposal and complied with for the duration of the construction works, as per condition A in section 7.1 (Air quality) of this report.

7.7 Social and economic

The approved facility

Jerilderie substation is directly to the east of Lot 2. It connects to 22 kV lines which provide electricity to the Jerilderie township, and a 66 kV line connecting to Finley substation.

The approved facility would connect to a 22 kV transmission line and would export a maximum of 1.5 MW to the local electricity grid. The facility is expected to generate 3,000 MWh of electricity per year, which would be used in Jerilderie and the surrounding area.

Construction of the facility would generate local employment and increase economic activity. Overall, the approved facility would have a positive social and economic impact.

The proposed modification – impact assessment

Employment and labour impacts

During construction, which is expected to extend over 9 months, the proposal would directly generate employment. During the peak of construction there would be 15-20 workers on the site each day. The main skills that would be required onsite for construction are civil, mechanical, and electrical trades, as well as commissioning. During construction, the proposal would also create employment and labour opportunities across its supply chains.

During operation, maintenance and repairs would be undertaken by local contractors where possible, which would generate local employment.

Increase in economic activity

An increase in economic activity within the local and regional areas is expected. The proposal would directly and indirectly - through its supply chains - create demand for goods and services, such as accommodation, food, construction materials, freight, and local labour. The increased income and spending of the construction workers and others across the supply chains, would also add to the stimulation of the local economies more broadly.

Ethos Urban undertook a review of confidential information from constructed renewable energy projects in Australia (based on unpublished Engineering, Procurement and Construction data) and found that approximately 15% of construction investment is generally retained within the locality for these types of projects (Ethos Urban, 2023, p. 22).

Energy resilience

The proposal would power homes, businesses, farms, and other industries in the locality. The electricity generated would travel along 22 kV transmission lines to Jerilderie and the local area. The electricity would not travel to major cities such as Sydney. The electricity would only be useable within the local area via the 22 kV transmission line network.

The proposal would contribute to the energy resilience of the area by providing locally produced affordable renewable energy.

When electricity is transported through transmission lines, some of it is lost as heat (AEMC, 2023). Consequently, the proposal has been sited close to Jerilderie and the nearby power sub-station, resulting in electricity that will be efficiently transported to the users, with only miniscule losses during transmission.

Development contribution

The applicant will be required to pay 1% of the cost of development to Murrumbidgee Council in accordance with Council's Section 7.12 Development Contributions Plan. This money will be used to fund public amenities and services, which will benefit the community.

Recommended condition of consent

The proposal is not expected to cause any adverse social or economic impacts; therefore, no conditions of consent are recommended.

7.8 Soil and water

The approved facility

The approved facility is located on Lot 2 DP 858670, only. Lot 2 is flat with an elevation of about 108 m Australian Height Datum (AHD) (ICSM, n.d.). There are no wetlands, creeks, or rivers near Lot 2.

The approved facility has a relatively small physical footprint on the land, as the panels are supported on steel frames. The facility is not expected to change overland stormwater flows across Lot 2.

The Statement of Environmental Effects for the approved facility states that the site is above the Flood Planning Level for a 100 Year Average Recurring Interval (ARI) Flood Event, as mapped in a GHD report dated August 2014. Note that this report has been superseded by the Jerilderie Floodplain Risk Management Study and Plan Report (GHD, 2015), which also maps Lot 2 as being above the 1% ARI.

Existing environment – Lot 5

Lot 5 is flat with an elevation of about 108 m Australian Height Datum (AHD) (ICSM, n.d.).

The NSW Environment Protection Authority's Contaminated Land Public Record was searched on 26 May 2023 (EPA, 2023). Lot 5 is not listed. No sites near Lot 5 are listed.

Lot 5 is mapped as having a Land and Soil (LSC) capability class of four – Moderate Capability Land (DPIE, 2021), which is defined as *“Land has moderate to high limitations for high-impact land uses. Will restrict land management options for regular high-impact land uses such as cropping, high-intensity grazing and horticulture. These limitations can only be managed by specialised management practices with a high level of knowledge, expertise, inputs, investment and technology.”*

Lot 5 is not identified on the draft State Significant Agricultural Land map (DPI, 2022).

There are no wetlands, creeks, or rivers near Lot 5.

The Jerilderie Floodplain Risk Management Study and Plan Report (GHD, 2015) maps Lot 5 as being above the 1% ARI flood level.



100 Year ARI Flood Event Study Area Plan

Source: Jerilderie Floodplain Risk Management Study and Plan Report (GHD, 2015)

The proposed modification – impact assessment

Construction

Earthworks are required to construct the proposal, as detailed in section 3.3 (construction phase) of this report. No soil would be imported to, or removed from, the site. During construction, potential impacts to soil and water include:

- Sedimentation of irrigation channels and other waterways
- Sediment runoff/water pooling during heavy rainfall events
- Contamination of surface water

These impacts are minimal as exposure of soils and stockpiling of spoil would be temporary and short term. Potential impacts would be minimised by implementing the safeguard listed below.

Operation

The proposal has a relatively small physical footprint on the land, as the panels are supported by a single axis tracking system. The proposal is not expected to change overland stormwater flow across either Lot 2 or Lot 5.

Fuels, lubricants, and herbicides would be used for maintenance activities, and pose a potential contamination risk to soil, surface and groundwater as a consequence of misuse or a spill event. These potential contaminants would be managed within bunded areas, according to the OEMP, which will be prepared prior to the issue of a Construction Certificate.

A study was conducted into the potential for PV panels to leach heavy metals and metalloids into soil (Robinson & Meindl, 2019). The study found no significant differences in lead or cadmium levels, with only minor concentration differences in other metals, between soil samples under PV panels and the control sample.

With the implementation of the safeguards detailed below, operation of the proposal is not expected to cause significant adverse impacts on soil or water.

Recommended condition of consent

To reduce the risk of impacts to soil and water during construction, it is recommended that a CEMP be developed for the proposal and complied with for the duration of the construction works, as per condition A in section 7.1 (Air quality) of this report.

7.9 Traffic

The approved facility

Lot 2 DP 858670 does not have any existing vehicle crossovers. The approved facility includes a new vehicle crossover to South Coree Road, which fronts on to the northern boundary of the Lot.

South Coree Road is a two-way road with no centre line marking and a default rural speed limit of 100 km/hr. South Coree Road begins just north of the lot at an intersection with Conargo Road, then runs southeast then south for 39 km before terminating at the Riverina Highway in Finley.

Conargo Road is a Classified Regional Road (MR 552). It begins in the town of Jerilderie at an intersection with Newell Highway, a Classified, State road (HW17).

Construction of the facility would be limited to the assembly and connection of components with the solar panels readily transportable via 12.5 m rigid trucks. The 1.5 MW transformer may require delivery on a 19 m semi-trailer.

Construction of the approved facility is not expected to cause any adverse traffic impacts.

During operation, contractors would visit the facility to undertake maintenance and repairs. This is not expected to cause any adverse traffic impacts.

Existing environment - Lot 5

Lot 5 DP 858670 does not have any existing vehicle crossovers.

Lot 5 fronts onto Watson Lane along the eastern boundary, which is a two-way gravel road with a default rural speed limit of 100 km/hr. Watson Lane begins at an intersection with South Coree Road and runs south then east before terminating.

The proposed modification – impact assessment

Construction

During construction and operation, the development site would be accessed via a new crossover from Watson Lane.

Construction would be limited to the assembly and connection of components with the solar panels readily transportable via 12.5 m rigid trucks. Only the inverter station (in a 40 ft container), and possibly the BESS containers, would be delivered to the site by a 19 m semi-trailer.

Based on our experience with similar developments, we estimate that during the peak of construction, the proposal would generate a maximum of 40 light vehicle trips (20 in, 20 out) and 10 heavy vehicle trips (5 deliveries) per day.

Construction of the proposal is not expected to cause any significant adverse traffic impacts.

Operation

On-site operational activities are detailed in section 3.4 of this report. Based on our experience with similar developments, we estimate that a maximum of four contractors would visit the site each year. Operation of the proposal is not expected to cause any significant adverse traffic impacts.

Recommended condition of consent

The following condition of consent is recommended:

- D. The site access must be constructed per AS/NZS 2890.2 to the satisfaction of Council.

7.10 Visual

The approved facility

The approved facility is 3.8 ha in area, with the solar panels being a maximum of 1.5 m in height. To reduce the risk of visual impacts to users of South Coree Road, the facility includes screen plantings along the northern property boundary.

The proposed modification – impact assessment

Construction

During construction, temporary visual impacts may occur because of ground disturbance, the presence of equipment and materials within the work area and the presence of construction vehicles and personnel. Overall, the potential visual impacts of construction activities would be minimal as the works would be temporary and short term.

Operation

The development is proposed in a sparsely populated and relatively isolated rural location. The structures are not overwhelming in their height and dimensions and the visual impact of the development would be softened by landscaping.

Given the location away from classified roads and other dwellings, operation of the proposal is not expected to cause any significant adverse visual impacts.

Recommended condition of consent

Condition 1 of the consent will specify that the development must be implemented in accordance with the approved plans, specifications and supporting documentation. This condition will ensure that the landscaping buffer will be established and maintained in accordance with the plans in section 3.2 (Components) of this report.

It is recommended that an OEMP be prepared for the facility prior to the issue of a Construction Certificate, as per condition C in section 7.2 (Bushfire risk) of this report. The OEMP should contain measures for maintenance of landscaping plantings

8 Assessment against NPWS Guidelines

Jerilderie Nature Reserve is located on the eastern side of Watson Lane. It covers 36.92 ha. It contains a population of the threatened plant *Swainsona plagiotropis* and several other grassland species that are regionally rare, as detailed in the Plan of Management for the reserve.

The reserve is separated from Lot 5 DP 858670 by 62 m, which is the width of the Watson Lane road reserve.



Jerilderie Nature Reserve

The proposal has been assessed in accordance with 'Developments adjacent to National Parks and Wildlife Service lands' (DPIE, 2020), as set out in the following sub-sections.

8.1 Erosion and sediment control

Impact assessment

Earthworks are required to construct the proposal, as detailed in section 3.3 (construction phase) of this report. This has the potential to cause erosion and sedimentation that may impact on Jerilderie Nature Reserve.

Proposed mitigation measures

To reduce the risk of impacts to Jerilderie Nature Reserve, the CEMP for the proposal will include measures to reduce the risk of erosion and sedimentation, in accordance with:

- Erosion and sediment control on unsealed roads (OEH 2012)
- Managing Urban Stormwater – Soils and Construction, Volume I (Landcom 2004)
- Managing Urban Stormwater – Soils and Construction, Volume II (DECC 2008)
- A Resource Guide for Local Councils: Erosion and Sediment Control (DEC 2006)

A condition of consent has been recommended to require the implementation of a CEMP. Refer to condition A in section 7.1 (Air quality) of this report.

8.2 Stormwater runoff

Existing environment

The development site is open, bare and very flat with an elevation of about 108 m AHD (ICSM, n.d.). It is currently used for dryland grazing and does not appear to contain any drainage or overland flow paths. Due to the very flat topography, stormwater is retained on site and absorbed naturally.

Impact assessment

The proposal has a relatively small physical footprint on the land, as the panels are supported by a single axis tracking system. The panel rows are 4m apart and the panels constantly move throughout the day; thus, any rain that falls on the panels is dispersed onto the ground and absorbed. Due to this, the proposal is not expected to change overland stormwater flow across the site and is not expected to negatively impact Jerilderie Nature Reserve via stormwater runoff.

Proposed mitigation measures

No mitigation measures are necessary.

8.3 Wastewater

Impact assessment

No permanent wastewater generating fixtures (toilets, sinks or other facilities) are proposed. All temporary site facilities (such as site toilets, ablution huts, lunch rooms) for use during construction will be self-contained so that all wastewater is captured within closed vessels for disposal off-site.

Proposed mitigation measures

No mitigation measures are necessary.

8.4 Pests, weeds, and edge effects

Impact assessment

Pest animals

Construction and operation of the proposal is not expected to lead to an increase in risk to pest animals.

Stock animals

Lots 2 & 5 are owned by Murrumbidgee Council, who lease the land to a farmer to undertake grazing. The lots are currently surrounded by a post-and-wire stock fence.

After construction, the facility operator can choose to lease the land for grazing between the panels. If this occurs, it is not expected to increase risk to impact to Jerilderie Nature Reserve, as the facility will be fully enclosed with a perimeter security fence.

Weeds

During construction, the proposal will generate a maximum of 40 light vehicle trips (20 in, 20 out) and 10 heavy vehicle trips (5 deliveries) per day. Vehicles have the potential to carry

weeds and weed seeds, which may spread to the development site or to Jerilderie Nature Reserve.

During operation, the land within the perimeter fence may be used for grazing. If this does not occur, grass within the site will be slashed periodically by contractors. Contractors will also periodically inspect the site for weeds and remove any identified weeds.

Edge effects

The development site is separated from the Jerilderie Nature Reserve by a 60 metre wide road reserve. All electrical componentry is to be setback at least 10 metres inside the perimeter fence and an asset protection area maintained, which provides a further buffer from the nature reserve.

The road and verges will remain largely unaffected. After construction, the development site will be managed to encourage reestablishment of ground cover and grass species (which is its current state).

Proposed mitigation measures

The CEMP for the proposal will include measures to reduce the risk of weed spread.

If grazing does not occur in the development site, contractors will periodically inspect the site for weeds and remove any identified weeds. This will be included in the OEMP for the facility. Accordingly, it is submitted that the development will not increase the risk to impact natural or cultural values in the nature reserve.

8.5 Fire and the location of asset protection zones

Impact assessment

The proposal has been designed in accordance with 'Planning for Bushfire Protection 2019' (PBP 2019) (NSW RFS, 2019), and includes a 10 m APZ around the solar arrays. The proposal is not expected to increase the risk of bushfire in Jerilderie Nature Reserve.

Proposed mitigation measures

To reduce the risk of bushfire, conditions of consent have been recommended to ensure compliance with PBP 2019. Refer to conditions A & B in section 7.2 (Bushfire risk) of this report.

8.6 Boundary encroachments and access through NPWS lands

Impact assessment

The proposal will not involve any activity within Jerilderie Nature Reserve.

Proposed mitigation measures

No mitigation measures are necessary.

8.7 Visual, odour, noise, vibration, air quality and amenity impacts

Impact assessment

Air quality

Construction of the proposal may generate dust or airborne pollutants that may impact Jerilderie Nature Reserve.

Operation of the proposal is not expected to reduce air quality.

Noise

Section 3.3 (construction phase) describes the construction staging and timing for the proposed expanded facility. Construction activities have the potential to cause adverse noise impacts on Jerilderie Nature Reserve.

During operation, the inverter station and BESS containers will generate low-level noise, however this is not expected to cause adverse noise impacts on Jerilderie Nature Reserve.

Visual

During construction, temporary visual impacts may occur because of ground disturbance, the presence of equipment and materials within the work area and the presence of construction vehicles and personnel. Overall, the potential visual impacts of construction activities will be minimal as the works will be temporary and short term.

During operation, the facility will be visible from Jerilderie Nature Reserve. However, the structures are not overwhelming in their height, bulk and spacing, and the development does not include any lighting. Thus, it is not expected to increase visual impact to the reserve.

Proposed mitigation measures

The CEMP will include measures to control dust emissions and monitor vehicle emissions.

The CEMP will include measures to monitor and reduce noise emissions.

8.8 Threats to ecological connectivity and groundwater-dependent ecosystems

Impact assessment

Lot 5 does not act as a wildlife corridor and contains no signs of ecological connectivity. The proposal is not expected to reduce ecological connectivity.

The proposal does not involve the extraction of groundwater or changes that will alter existing groundwater conditions.

Proposed mitigation measures

No mitigation measures are necessary.

8.9 Cultural heritage

Impact assessment

The Plan of Management for Jerilderie Nature Reserve states that *“The reserve is not currently known to have particular Aboriginal cultural values and no evidence of the Aboriginal significance or of Aboriginal occupation or activity has been found there.”*

The proposal is not expected to negatively impact on the cultural heritage values of Jerilderie Nature Reserve.

Proposed mitigation measures

No mitigation measures are necessary.

8.10 Road network design and its implications for continued access to the park

Existing environment

Jerilderie Nature Reserve is bounded by Rankin Road to the north, Watson Lane to the west and south, and a road reserve to the east. The reserve is surrounded by a stock fence, with a single gate positioned on Rankin Road.

Impact assessment

The proposal will not impact the existing access to the reserve on Rankin Road.

Proposed mitigation measures

No mitigation measures are necessary.

9 Summary of recommended conditions of consent

It is recommended that the following conditions be included in the development consent, in addition to Council's standard conditions.

Prior to the issue of a Construction Certificate

A. Prior to the issue of a Construction Certificate, the applicant will prepare a Construction Environmental Management Plan to the satisfaction of Council, that must be implemented during the construction phase of the development. The CEMP will include measures in accordance with:

- Erosion and sediment control on unsealed roads (OEH 2012)
- Managing Urban Stormwater – Soils and Construction, Volume I (Landcom 2004)
- Managing Urban Stormwater – Soils and Construction, Volume II (DECC 2008)
- A Resource Guide for Local Councils: Erosion and Sediment Control (DEC 2006)

C. Prior to the issue of a Construction Certificate, the applicant must prepare an Operational Environment Management Plan to the satisfaction of Council, that must be implemented during the operation phase of the development. The plan must include provisions for the planning, control and/or management of the following:

- Site monitoring, servicing, and maintenance.
- Maintenance of groundcover vegetation and landscaping plantings.
- Access and security.
- Emergencies.
- Bushfire risk reduction measures.
- Complaints and communications.
- Use and storage of fuels, lubricants, herbicides, and other potentially hazardous chemicals.

During construction

D. The site access must be constructed per AS/NZS 2890.2 to the satisfaction of Council.

During operation

B. A 10 m Asset Protection Zone (APZ) must be maintained between the solar arrays and the perimeter fence. Grass in the APZ must be kept to less than 100 mm in height.

10 Suitability of the site

Lots 2 and 5 are suitable for the proposal for the following reasons:

- The proposal is permitted with consent under SEPP (Transport and Infrastructure) 2021.
- The site is flat, bare and open. It does not contain any known features of natural or cultural heritage significance or other constraints.
- The site is not close to any land uses that may generate land use conflict.
- A 22 kV transmission line runs along Watson Lane, which the proposal would connect to.
- The site is close to Jerilderie substation and the Jerilderie township.

The implementation of safeguards documented throughout this modification report would minimise environmental harm.

11 The public interest

The proposal is in the public interest for the following reasons:

- The proposal would not result in the complete loss of farmland. The land under the solar panels would be able to be used for grazing.
- The proposal would generate renewable energy for the use of the local community.
- The electricity generated by the proposal would only be used within Jerilderie and the local area, distributed by 22 kV transmission lines.
- The proposal would provide renewable energy, which supports:
 - The objectives of the NSW Government's Net Zero Plan Stage 1: 2020-2030, Electricity Strategy and Electricity Infrastructure Roadmap.
 - The objectives of the Murrumbidgee Land Use Plan.
 - Agenda item EG14 of the Murrumbidgee LSPS, which is "*Renewable energy projects*".
 - Objective 11 of the Riverina Murray Regional Plan 2041, which is to "*plan for integrated and resilient utility infrastructure*".
 - Objective 13 of the Riverina Murray Regional Plan 2041, which is to "*support the transition to net zero by 2050*".

12 Conclusion

The development and operation of the expanded solar farm, in conjunction with other renewable energy projects, has potential to fill the need for replacement power as ageing coal-fired generators face closure. The proposal is consistent with relevant State, regional and local strategic plans and policies, particularly the NSW Electricity Infrastructure Roadmap.

The site is suitable for the construction and operation of a solar farm and BESS due to the available solar resource, the flat, cleared land, and the proximity to transmission

infrastructure. In addition, the proposal is close to the eventual users of the electricity, in Jerilderie and the surrounding area.

If the expanded solar farm and BESS was not developed, its benefits, which include contributions to the generation of renewable energy and increased energy security, and job creation in the region, would not be realised.

The critical need to establish renewable energy generation and storage projects in NSW means that not proceeding with the project in its current location may encourage development in a less favourable location, resulting in greater environmental and social impacts.

The proposal would result in environmental impacts and social benefits to the surrounding natural and built environments. The impacts have been comprehensively assessed, are not predicted to be significant and can be adequately managed through appropriate design, mitigation and management during construction and operation.

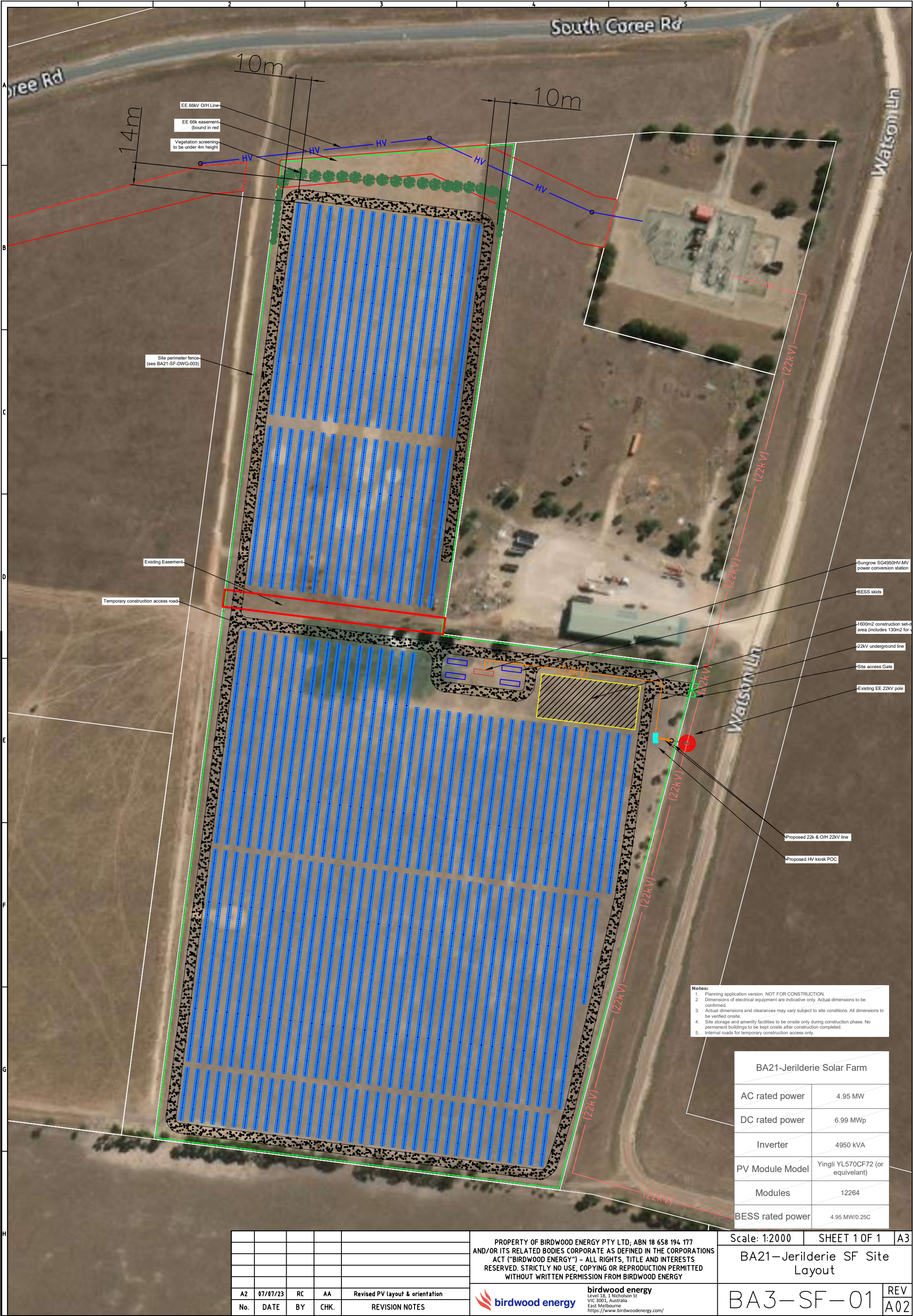
It is recommended that Council issue development consent for the proposed modification.

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Appendix A: Site Plan & Elevations




- Notes:**
- 1. Planning application version. NOT FOR CONSTRUCTION.
 - 2. Dimensions of electrical equipment are indicative only. Actual dimensions to be confirmed.
 - 3. Actual dimensions and clearances may vary subject to site conditions. All dimensions to be verified onsite.
 - 4. Site storage and amenity facilities to be onsite only during construction phase. No permanent buildings to be kept onsite after construction completed.
 - 5. Internal roads for temporary construction access only.

BA21-Jerilderie Solar Farm	
AC rated power	4.95 MW
DC rated power	6.99 MWp
Inverter	4950 kVA
PV Module Model	Yingli YL570CF72 (or equivalent)
Modules	12264
BESS rated power	4.95 MW/0.25C

A2	07/07/23	RC	AA	Revised PV layout & orientation
No.	DATE	BY	CHK.	REVISION NOTES

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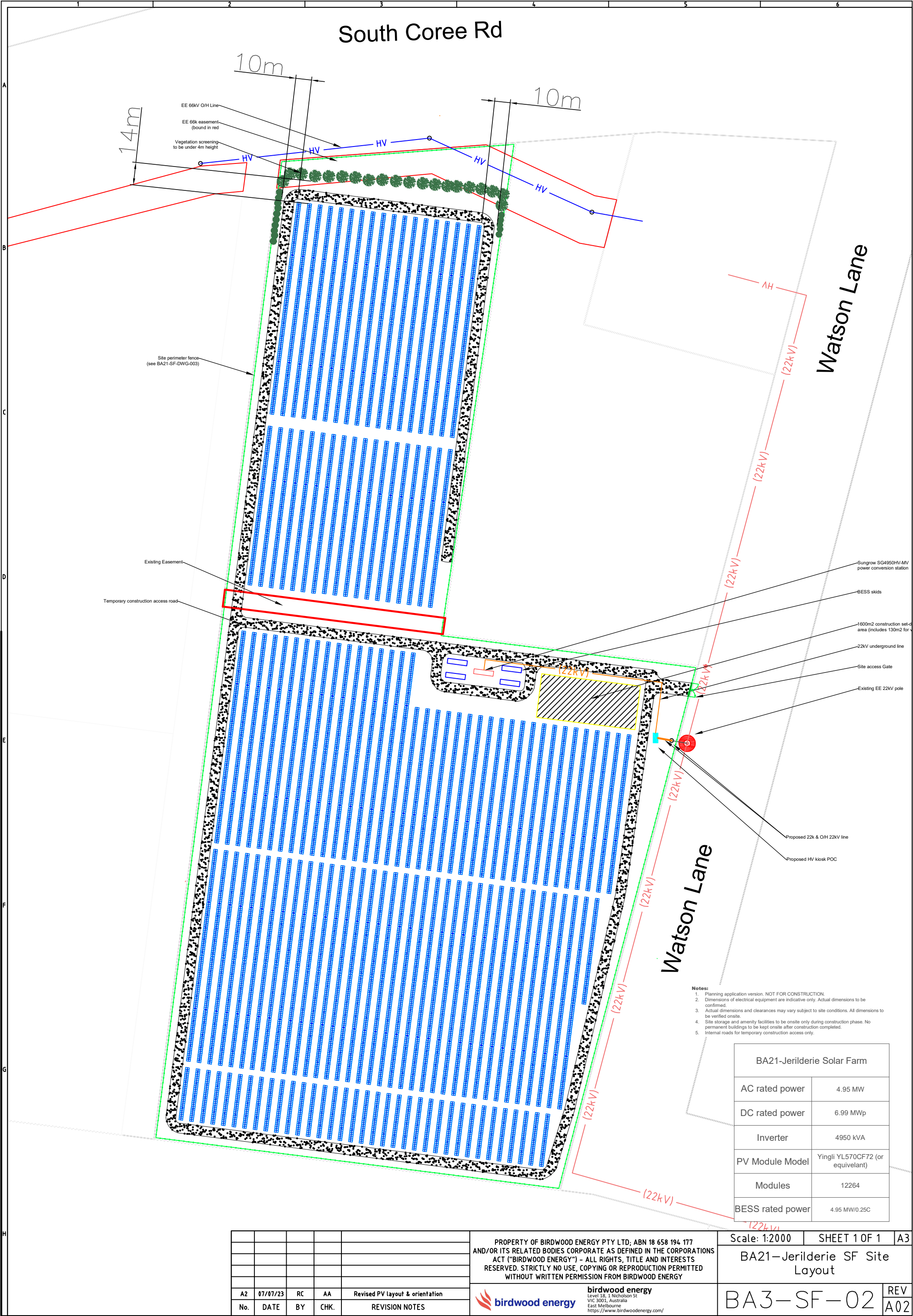


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Scale: 1:2000 SHEET 1 OF 1 A3

BA21-Jerilderie SF Site
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BA3-SF-01 REV
A02



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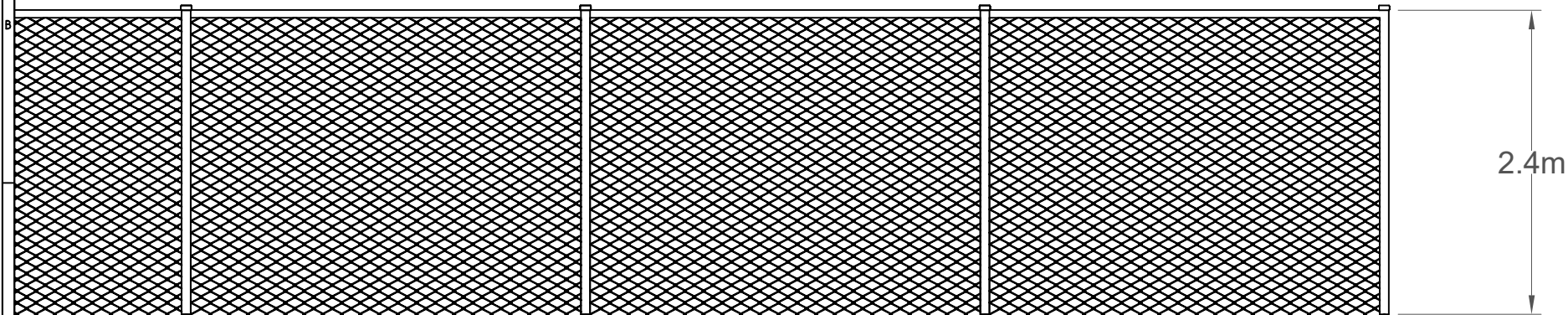
A3

BA21-Jerilderie SF Site
Layout

BA3-SF-02

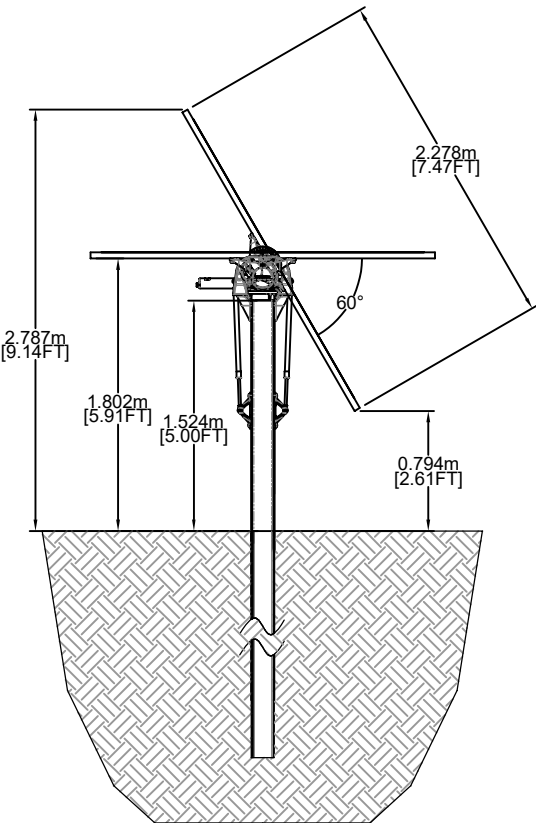
REV
A02

Fence Elevation View




SECTION E1
SCALE:1:50
BA21

Panel Elevation View



SECTION E2
SCALE:1:50
BA21

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							BA21-Jerilderie SF Elevation Drawings		
	A2	07/07/23	RC	AA	Revised PV layout & orientation		BA21-SF-03		
	No.	DATE	BY	CHK.	REVISION NOTES				
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Appendix B: Ecological Assessment

17 July 2023

To	Callista Harris, Town Planner, Chris Smith & Associates	
From	Peter Monsted, Principal Consultant, Leneco	Tel. 0437 685 224
		Email. Peter@leneco.au
Subject	Desktop Assessment - South Coree Road, Jerilderie	

1. Introduction

Chris Smith & Associates engaged Leneco Pty Ltd to prepare a desktop ecological assessment for a proposed solar farm at Lot 2 and 5 DP 858670 South Coree Road, Jerilderie, being developed by Sunmania Pty Ltd (the Proponent).

The objectives of this assessment are to:

- identify threatened species, populations or ecological communities listed under the NSW *Biodiversity Conservation Act 2016* (BC Act) or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) likely to occur at the site
- assess the likely impacts threatened species, populations, or ecological communities if present
- determine if these impacts will trigger the NSW Biodiversity Offset Scheme (BOS)
- determine if the project should be referred to Australian Government Department of the Environment under the EPBC Act.

2. Project Background

Sunmania Pty Ltd is seeking planning approval for a s.4.55(2) modification and Battery Energy Storage System to expand on an already approved 1.5 MW solar farm at South Coree Road, Jerilderie (Lots 2 & 5 of DP 858670). A site plan of the proposed development is included in **Attachment 1**.

NSW Planning Portal Spatial Viewer indicates that the site is located within the Murrumbidgee (LGA) and is zoned as RU1 for Primary Production.

3. Assessment methods

A comprehensive desktop study was undertaken to collate and assess the species and vegetation communities that are likely to occur at the site. This assessment has utilised the results and/or spatial data from the following databases:

- NSW Stage Vegetation Type Map (Release C1.1.M1) (DPE, 2022)
- Atlas of NSW Wildlife (Bionet) (OEH, 2023)
- EPBC Act Protected Matters Search Tool (DCCEEW, 2023)
- NSW Stage Vegetation Type Map (Release C1.1.M1) (DPE, 2022).

This report has been prepared by Peter Monsted, an accredited BAM Assessor (BAAS22011).

4. Results

4.1 Biodiversity Values Map and Threshold

A Biodiversity and Values Map Report (BVMT) was completed on the 7 June 2023. The results indicate that the developmental footprint will not impact on areas of the Biodiversity Values Map or exceed the biodiversity threshold and has not triggered the Biodiversity Offset Scheme (BOS) for these criteria. A copy of the full report can be seen in **Attachment 2**.

An area of Biodiversity Values Map is located outside the property to the East within the bordering Jerilderie Nature Reserve. This is well outside the development footprint, as such, will not be impacted by the development.

4.2 Plant Community Type (PCT) and Ecological Communities

The plant community types (PCT) in and around the subject site were reviewed with reference to the NSW State Vegetation Type Map (SVMT) (release C1.1.M1) (DPE 2022). A map of the PCT distribution is provided in **Attachment 3**.

A review of the SVMT indicated that the development footprint does not occur within a classified Plant Community Type (PCT 0), as such, the development will not have an impact to any associated endangered ecological communities (EEC's).

4.3 Protected Matters Search Tool

A review of the DAWE Protected Matters Search Tool (PMST) identified 5 threatened plants and 12 threatened animals listed under the EPBC Act that have been previously recorded or have predicted habitat, within 10km of the subject site. A copy of the PMST Report is provided in **Attachment 4**.

4.4 NSW Bionet Atlas

A review of the Environment Energy and Science (EES) BioNet (Atlas of NSW Wildlife) identified 3 species of threatened fauna and 5 threatened plants listed under the BC Acts that have been previously recorded, or are considered to have habitat, within 10kms of the subject site. Refer to **Attachment 5** for summary of threatened species.

4.5 Likelihood of Occurrence

A review of the likelihood of occurrence of the threatened species identified from the BioNet Atlas and PMST was completed to assess if any of these species, or their habitat, are likely to occur at the development site or be impacted by the development. This assessment is provided in **Attachment 5**.

All threatened fauna species previously recorded within and/or predicted as having habitat in the study region would not occur, or be reliant upon, the environments present or within proximity to the subject site. These animals have specific habitat requirement that do not exist on the property. A number of those remaining threatened fauna species listed may fly over, traverse, and potentially forage within the areas investigated on occasion; however, the scale of work proposed is not considered to have an adverse impact on any fauna species or their lifecycle requirements.

Two historic threatened plant species records were identified that are considered to have a high chance of occurring on property Lot 5, as such, are presumed to be present. Further survey or assessment of the Red Darling Pea, *Swainsona plagiotropis* and the Silky Swainson-pea, *Swainsona sericea* are required under Section 7.3 of the BC Act (known as significance assessments or test of significance).

5. Biodiversity Offset Scheme

The Biodiversity Offset Scheme (BOS) applies to development requiring consent under Part 4 of the EP&A Act that are likely to significantly affect threatened species or ecological communities, or their habitats. A proposal is 'likely to significantly affect threatened species, ecological communities, or their habitats' if it:

- it is carried out in a declared area of outstanding biodiversity value (AOBV), or
- it involves clearing of native vegetation or a prescribed impact on land included in the Biodiversity Values Map, or
- it involves clearing of native vegetation that exceeds the relevant area clearing threshold, or
- it is likely to significantly affect threatened species, ecological communities, or their habitats according to the Test of Significance.

The site is not located in a declared AOBV.

The site does not include any BV mapped area.

An assessment of the relevant area clearing threshold has been made using the Biodiversity Values Map and Threshold Tool. The proposal does not exceed the relevant area clearing threshold.

A significance assessment was conducted on the presumed presence of *S.plagiotropis* and *S.sericea*, as such, this assessment has determined that the BOS has not be triggered by the proposed development and the preparation of a Biodiversity Development Assessment Report (BDAR) is not required.

6. Conclusions

Two threatened plant species, *S. plagiotropis* and *S. sericea* species were considered likely to occur within the subject site, as such, significance assessments were conducted on the presumed presence of each of these species (**Attachment 6**).

To rule out presence of *S. plagiotropis* and *S. sericea* on the property, a site survey would be required during peak flowering season of *S. sericea* between September and October months (as per survey instructions for the *S.serica* species), however, based on the abundance of records within the bordering Jerilderie Nature Reserve and the minimal ground cover disturbance required for the tracking panel installation, the results of the significance assessment indicate that the proposal is unlikely to have a significant impact on these species or their habitat if confirmed to be present.

In conclusion, the results of this assessment confirm that the proposed development is not likely to have a significant impact to any TEC's, as such, a BOS has not been triggered.

If you have any questions regarding this assessment, please do not hesitate to contact me

Kind regards,

Peter Monsted

Director

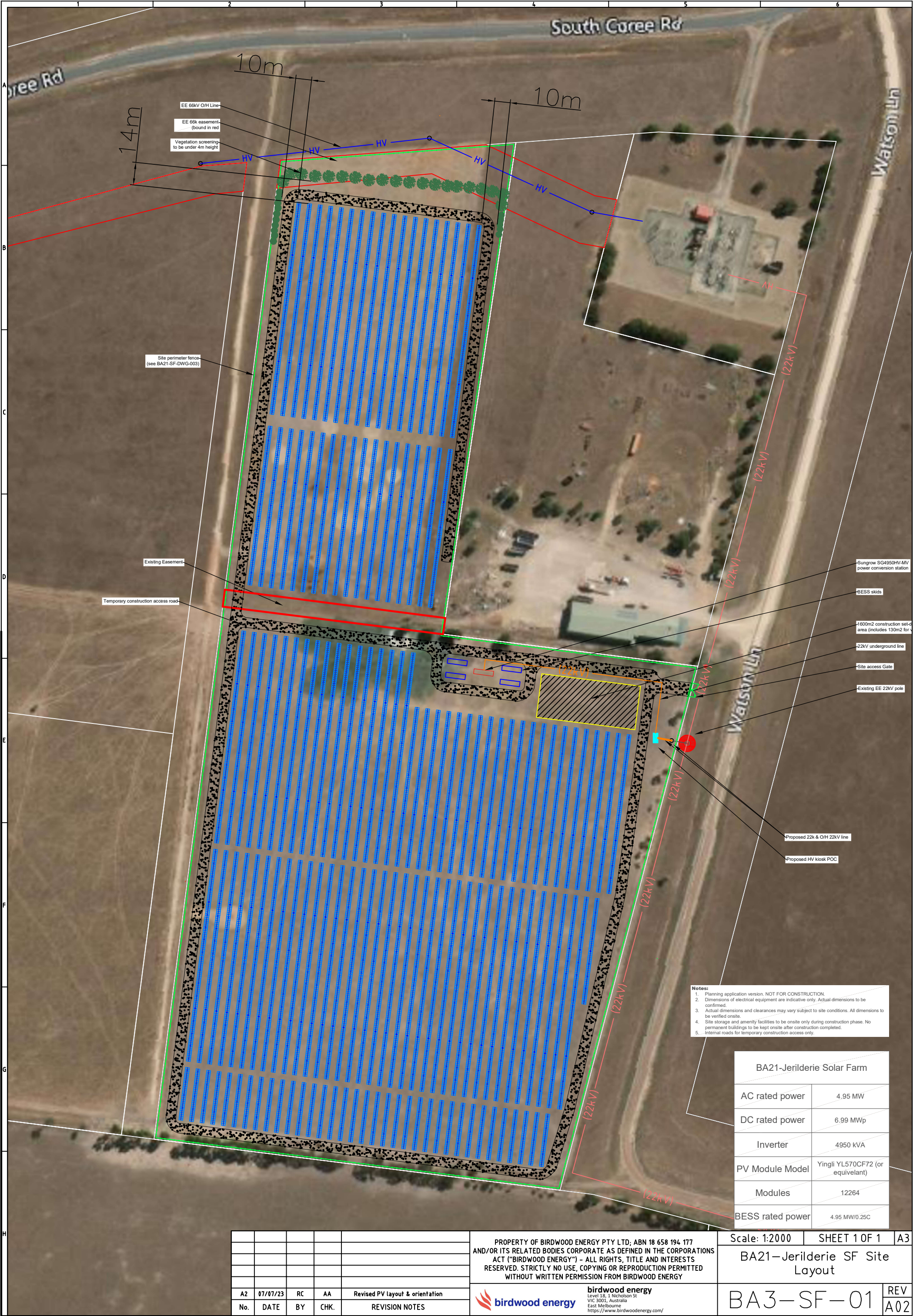
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Attachments

- Attachment 1 – Site Plan
- Attachment 2 – Biodiversity Values Map and Threshold (BVMT) tool report
- Attachment 3 – Plant Community Type Map
- Attachment 4 - Protected Matters Search Tool Report
- Attachment 5 – Likelihood of Occurrence Assessment




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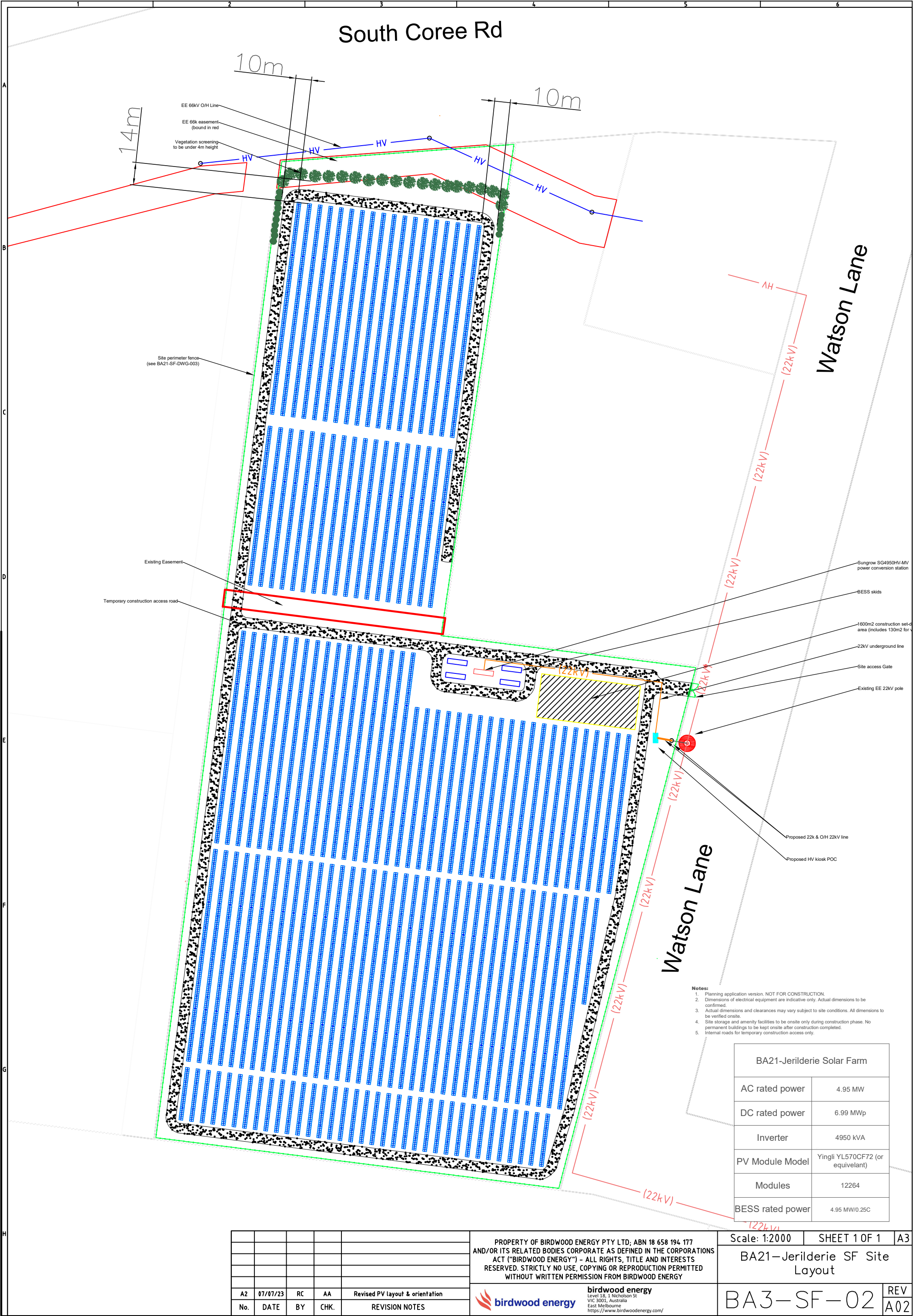


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BA21-Jerilderie SF Site
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BA3-SF-01 REV
A02



Attachment 2 – Biodiversity Values Map and Threshold (BVMT) tool report



Department of Planning and Environment

Biodiversity Values Map and Threshold Report

This report is generated using the Biodiversity Values Map and Threshold (BMAT) tool. The BMAT tool is used by proponents to supply evidence to a consent authority to determine whether or not a Biodiversity Development Assessment Report (BDAR) is required under [the Biodiversity Conservation Regulation 2017 \(Cl. 7.2 & 7.3\)](#).

The report provides results for the proposed development footprint area identified by the user and displayed within the blue boundary on the map.

There are two pathways for determining whether or not a BDAR is required for the proposed development:

1. Is there Biodiversity Values Mapping?
2. Is the 'clearing of native vegetation area threshold' exceeded?

Biodiversity Values Map and Threshold Report

Date of Report Generation		07/06/2023 4:00 PM
Biodiversity Values (BV) Map Threshold - Results Summary		
1	Does the development Footprint intersect with BV mapping?	no
2	Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
3	Date of expiry of dark purple 90 day mapping*	N/A
4	Is the Biodiversity Values Map threshold exceeded?	no
Area Clearing Threshold - Results Summary		
5	Size of the development or clearing footprint	116,158.4 sqm
6	Native Vegetation Area Clearing Estimate (NVACE)	43.4 sqm
7	Method for determining Minimum Lot Size	LEP
8	Minimum Lot Size (10,000sqm = 1ha)	2,130,000 sqm
9	Area Clearing Threshold (10,000sqm = 1ha)	10,000 sqm
10	Is the Area Clearing Threshold exceeded?	no
Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2.		no



Department of Planning and Environment

What do I do with this report?

- If the result above indicates a BDAR is required, a Biodiversity Development Assessment Report **may be required** with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of accredited assessors. An accredited assessor can apply the Biodiversity Assessment Method and prepare a **BDAR**.
- If the result above indicates a BDAR is not required, you have not exceeded the BOS threshold. This report can be provided to Council to support your development application. You may still require a permit from your local council. Review the development control plan and consult with council. You may still be required to assess whether the development is “likely to significantly affect threatened species” as determined under the test in Section 7.3 of the Biodiversity Conservation Act 2016. You may also be required to review the area where no vegetation mapping is available.
- If all Biodiversity Values mapping within your development footprint are less than 90 days old, i.e. mapping is displayed as dark purple on the map, a BDAR may not be required if your Development Application is submitted within that 90 day period. *Any BV mapping less than 90 days old on this report will expire on the date provided in Line item 3 above.

For more detailed advice about actions required, refer to the **Interpreting the evaluation report** section of the [Biodiversity Values Map Threshold Tool User Guide](#).

Review Options:

- If you believe the Biodiversity Values mapping is incorrect please refer to our [BV Map Review webpage](#) for further information.
- If you disagree with the NVACE result for Line Item 6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared) you can undertake a self-assessment. For more information about this refer to the **Guide for reviewing BMAT Tool area clearing threshold results**.

Acknowledgement

I, as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

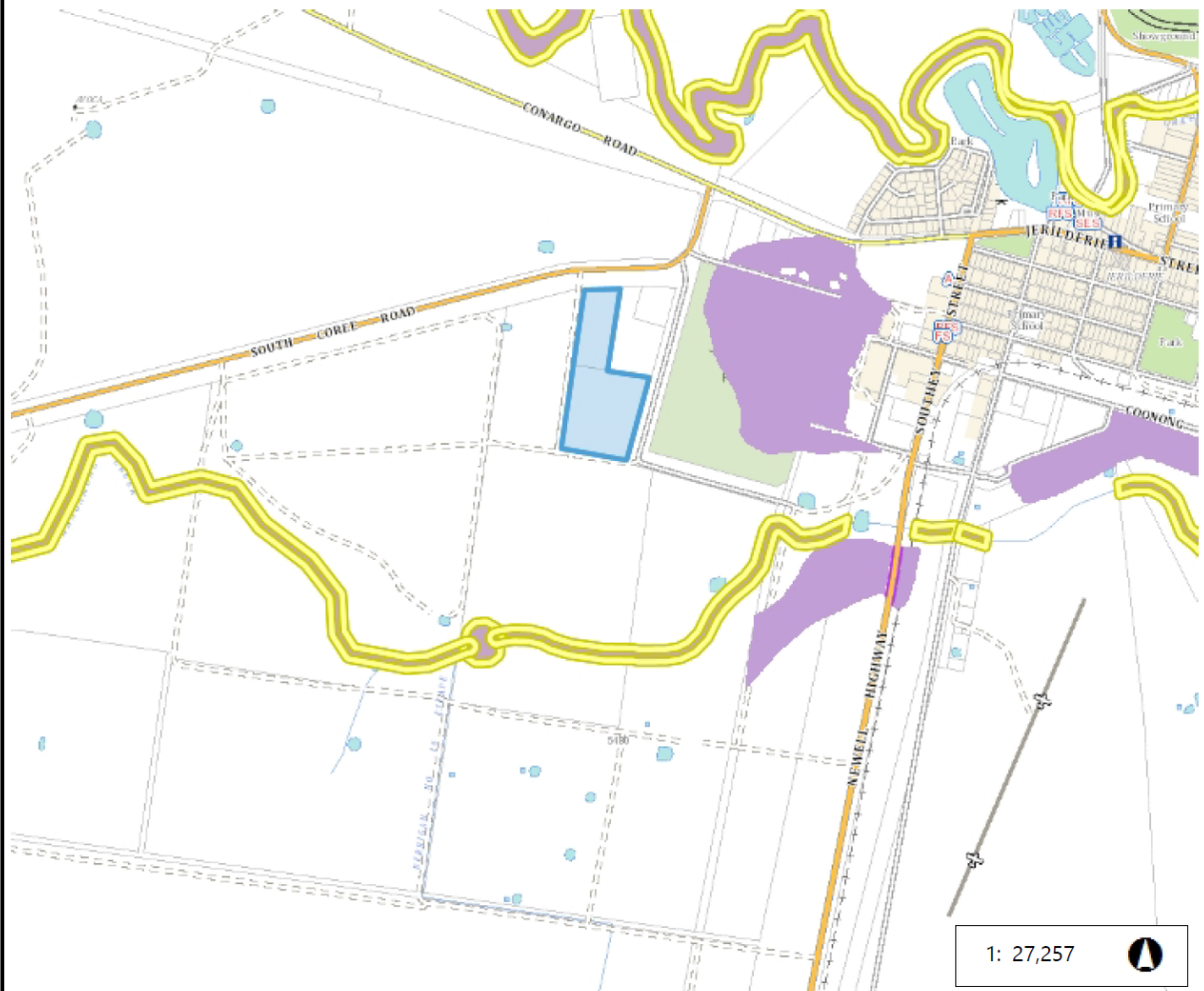
Signature: _____

(Typing your name in the signature field will be considered as your signature for the purposes of this form)

Date: _____

07/06/2023 04:00 PM

Biodiversity Values Map



1,384.6 0 692.32 1,384.6 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days
- Native Vegetation Area Clearing Estimate (NVACE)
- Development area selected by proponent

07/06/2023 04:00 PM

1: 27,257



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Imagery © Airbus DS/Spot Image 2016

© NSW Department of Customer Service, Basemaps 2019

© NSW Department of Planning and Environment

The results provided in this tool are generated using the best available mapping and knowledge of species habitat requirements.

This map is valid as at the date the report was generated. Checking the [Biodiversity Values Map viewer](#) for mapping updates is recommended.

Attachment 3 – Plant Community Type Map

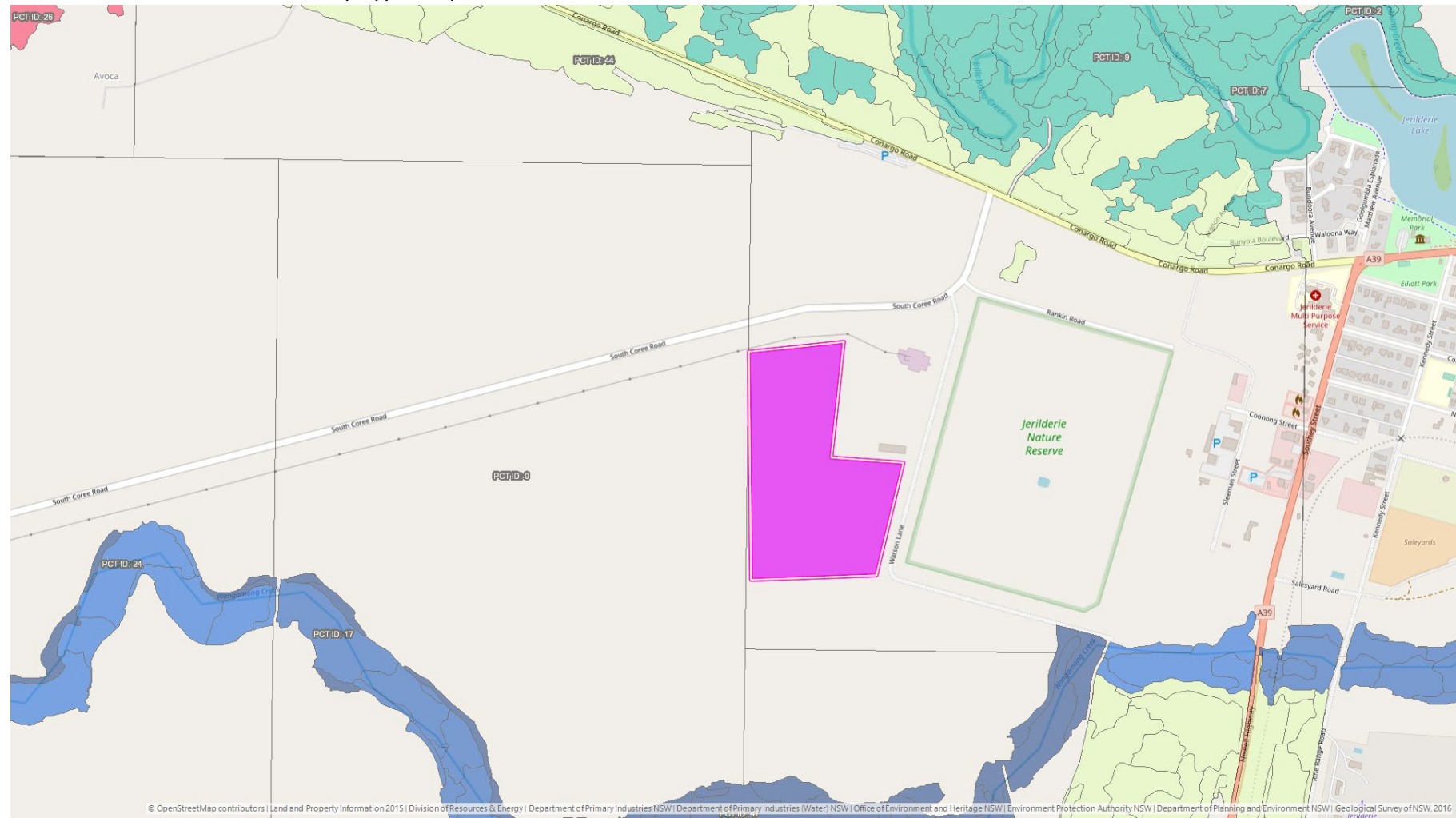


Figure 0-1 Plant Community Type Map indicating PCT 0 in surrounding area

Attachment 4 - Protected Matters Search Tool Report



Australian Government

Department of Climate Change, Energy,
the Environment and Water

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 07-Jun-2023

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)

Summary

Matters of National Environment Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance (Ramsar)	4
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	6
Listed Threatened Species:	39
Listed Migratory Species:	10

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <https://www.dcceew.gov.au/parks-heritage/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Lands:	3
Commonwealth Heritage Places:	None
Listed Marine Species:	17
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None
Habitat Critical to the Survival of Marine Turtles:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	1
Regional Forest Agreements:	None
Nationally Important Wetlands:	None
EPBC Act Referrals:	5
Key Ecological Features (Marine):	None
Biologically Important Areas:	None
Bioregional Assessments:	None
Geological and Bioregional Assessments:	None

Details

Matters of National Environmental Significance

Wetlands of International Importance (Ramsar Wetlands)		[Resource Information]
Ramsar Site Name	Proximity	Buffer Status
Banrock station wetland complex	400 - 500km upstream from Ramsar site	In feature area
Hattah-kulkyne lakes	200 - 300km upstream from Ramsar site	In feature area
Riverland	400 - 500km upstream from Ramsar site	In feature area
The coorong, and lakes alexandrina and albert wetland	500 - 600km upstream from Ramsar site	In feature area

Listed Threatened Ecological Communities

[Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Community Name	Threatened Category	Presence Text	Buffer Status
Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions	Endangered	Community may occur within area	In feature area
Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia	Endangered	Community likely to occur within area	In feature area
Natural Grasslands of the Murray Valley Plains	Critically Endangered	Community likely to occur within area	In feature area
Seasonal Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains	Critically Endangered	Community likely to occur within area	In buffer area only
Weeping Myall Woodlands	Endangered	Community likely to occur within area	In feature area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community likely to occur within area	In feature area

Listed Threatened Species

[Resource Information]

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.
Number is the current name ID.

Scientific Name	Threatened Category	Presence Text	Buffer Status
BIRD			
<u>Anthochaera phrygia</u> Regent Honeyeater [82338]	Critically Endangered	Foraging, feeding or related <u>behaviour</u> may occur within area	In feature area
<u>Anhelocephala leucopsis</u> Southern Whiteface [529]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<u>Botaurus poiciloptilus</u> Australasian Bittern [1001]	Endangered	Species or species habitat known to occur within area	In feature area
<u>Calidris ferruginea</u> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area	In feature area
<u>Climacteris picumnus victoriae</u> Brown Treecreeper (south-eastern) [67062]	Vulnerable	Species or species habitat may occur within area	In feature area
<u>Falco hypoleucos</u> Grey Falcon [929]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<u>Grantiella picta</u> Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<u>Hirundapus caudacutus</u> White-throated Needletail [682]	Vulnerable	Species or species habitat may occur within area	In feature area
<u>Lathamus discolor</u> Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<u>Leipoa ocellata</u> <u>Malleefowl</u> [934]	Vulnerable	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<u>Lophochroa leadbeateri leadbeateri</u> Major Mitchell's Cockatoo (eastern), Eastern Major Mitchell's Cockatoo [82926]	Endangered	Species or species habitat likely to occur within area	In feature area
<u>Melanodryas cucullata cucullata</u> South-eastern Hooded Robin, Hooded Robin (south-eastern) [67093]	Endangered	Species or species habitat likely to occur within area	In feature area
<u>Neophema chrysostoma</u> Blue-winged Parrot [726]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<u>Numenius madagascariensis</u> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area	In feature area
<u>Pedionomus torquatus</u> Plains-wanderer [906]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<u>Polytelis swainsonii</u> Superb Parrot [738]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<u>Rostratula australis</u> Australian Painted Snipe [77037]	Endangered	Species or species habitat known to occur within area	In feature area
<u>Stagonopleura guttata</u> Diamond Firetail [59398]	Vulnerable	Species or species habitat known to occur within area	In feature area
FISH			
<u>Bidyanus bidyanus</u> Silver Perch, Bidyan [76155]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<u>Galaxias rostratus</u> Flathead Galaxias, Beaked Minnow, Flat-headed Galaxias, Flat-headed Jollytail, Flat-headed Minnow [84745]	Critically Endangered	Species or species habitat may occur within area	In feature area
<u>Maccullochella macquariensis</u> Trout Cod [26171]	Endangered	Species or species habitat may occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<u>Maccullochella peelii</u> Murray Cod [66633]	Vulnerable	Species or species habitat known to occur within area	In feature area
<u>Macquaria australasica</u> Macquarie Perch [66632]	Endangered	Species or species habitat may occur within area	In feature area
FROG			
<u>Crinia sloanei</u> Sloane's Froglet [59151]	Endangered	Species or species habitat may occur within area	In feature area
<u>Litoria raniformis</u> Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog, Golden Bell Frog [1828]	Vulnerable	Species or species habitat likely to occur within area	In feature area
MAMMAL			
<u>Nyctophilus corbeni</u> Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat may occur within area	In feature area
<u>Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)</u> Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Endangered	Species or species habitat likely to occur within area	In feature area
<u>Pteropus poliocephalus</u> Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour may occur within area	In feature area
PLANT			
<u>Amphibromus fluitans</u> River Swamp Wallaby-grass, Floating Swamp Wallaby-grass [19215]	Vulnerable	Species or species habitat may occur within area	In feature area
<u>Austrostipa wakoolica</u> [66623]	Endangered	Species or species habitat known to occur within area	In feature area
<u>Brachyscome muelleroides</u> Mueller Daisy [15572]	Vulnerable	Species or species habitat may occur within area	In buffer area only

Scientific Name	Threatened Category	Presence Text	Buffer Status
<u>Lepidium aschersonii</u> Spiny Peppercress [10976]	Vulnerable	Species or species habitat may occur within area	In feature area
<u>Lepidium monoplacoides</u> Winged Pepper-cress [9190]	Endangered	Species or species habitat likely to occur within area	In feature area
<u>Maireana cheelii</u> Chariot Wheels [8008]	Vulnerable	Species or species habitat may occur within area	In feature area
<u>Sclerolaena naniformis</u> Turnip Copperburr [11742]	Endangered	Species or species habitat known to occur within area	In feature area
<u>Senecio macrocarpus</u> Large-fruit Fireweed, Large-fruit Groundsel [16333]	Vulnerable	Species or species habitat may occur within area	In buffer area only
<u>Swainsona murrayana</u> Slender Darling-pea, Slender Swainson, Murray Swainson-pea [6765]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<u>Swainsona plagiotropis</u> Red Darling-pea, Red Swainson-pea [10804]	Vulnerable	Species or species habitat known to occur within area	In feature area

REPTILE

<u>Hemiaspis damelii</u> Grey Snake [1179]	Endangered	Species or species habitat may occur within area	In feature area
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Listed Migratory Species [Resource Information]

Scientific Name	Threatened Category	Presence Text	Buffer Status
Migratory Marine Birds			
<u>Apus pacificus</u> Fork-tailed Swift [678]		Species or species habitat likely to occur within area	In feature area
Migratory Terrestrial Species			
<u>Hirundapus caudacutus</u> White-throated Needletail [682]	Vulnerable	Species or species habitat may occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<u>Motacilla flava</u> Yellow Wagtail [644]		Species or species habitat may occur within area	In feature area
<u>Myiagra cyanoleuca</u> Satin Flycatcher [612]		Species or species habitat may occur within area	In feature area
Migratory Wetlands Species			
<u>Actitis hypoleucos</u> Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
<u>Calidris acuminata</u> Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area	In feature area
<u>Calidris ferruginea</u> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area	In feature area
<u>Calidris melanotos</u> Pectoral Sandpiper [858]		Species or species habitat may occur within area	In feature area
<u>Gallinago hardwickii</u> Latham's Snipe, Japanese Snipe [863]		Species or species habitat known to occur within area	In feature area
<u>Numenius madagascariensis</u> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area	In feature area

Other Matters Protected by the EPBC Act

Commonwealth Lands [\[Resource Information \]](#)

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Commonwealth Land Name	State	Buffer Status
Communications, Information Technology and the Arts - Telstra Corporation Limited		
Commonwealth Land - Australian Telecommunications Commission [15234]	NSW	In buffer area only
Commonwealth Land - Australian Telecommunications Corporation [15233]	NSW	In buffer area only

Commonwealth Land Name	State	Buffer Status
Commonwealth Land - Telstra Corporation Limited [15235]	NSW	In buffer area only

Listed Marine Species			[Resource Information]
Scientific Name	Threatened Category	Presence Text	Buffer Status
Bird			
<u>Actitis hypoleucos</u> Common Sandpiper [59309]		Species or species habitat may occur within area	In feature area
<u>Apus pacificus</u> Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area	In feature area
<u>Bubulcus ibis as Ardea ibis</u> Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area	In feature area
<u>Calidris acuminata</u> Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area	In feature area
<u>Calidris ferruginea</u> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area	In feature area
<u>Calidris melanotos</u> Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area	In feature area
<u>Chalcites osculans as Chrysococcyx osculans</u> Black-eared Cuckoo [83425]		Species or species habitat likely to occur within area overfly marine area	In feature area
<u>Gallinago hardwickii</u> Latham's Snipe, Japanese Snipe [863]		Species or species habitat known to occur within area overfly marine area	In feature area
<u>Haliaeetus leucogaster</u> White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area	In feature area

Scientific Name	Threatened Category	Presence Text	Buffer Status
<u>Hirundapus caudacutus</u> White-throated Needletail [682]	Vulnerable	Species or species habitat may occur within area overfly marine area	In feature area
<u>Lathamus discolor</u> Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area overfly marine area	In feature area
<u>Merops ornatus</u> Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area	In feature area
<u>Motacilla flava</u> Yellow Wagtail [644]		Species or species habitat may occur within area overfly marine area	In feature area
<u>Mniotilta cyanocephala</u> Satin Flycatcher [612]		Species or species habitat may occur within area overfly marine area	In feature area
<u>Neophema chrysostoma</u> Blue-winged Parrot [726]	Vulnerable	Species or species habitat likely to occur within area overfly marine area	In feature area
<u>Numenius madagascariensis</u> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area	In feature area
<u>Rostratula australis as Rostratula benghalensis (sensu lato)</u> Australian Painted Snipe [77037]	Endangered	Species or species habitat known to occur within area overfly marine area	In feature area

EPBC Act Referrals			[Resource Information]	
Title of referral	Reference	Referral Outcome	Assessment Status	Buffer Status
Yanco Delta Wind Farm	2022/09214		Assessment	In buffer area only
Not controlled action				
DC Boorobanilly Stormwater Escape Channel	2002/716	Not Controlled Action	Completed	In buffer area only
Improving rabbit biocontrol: releasing another strain of RHDV, sthwn two thirds of Australia	2015/7522	Not Controlled Action	Completed	In feature area
INDIGO Central Submarine Telecommunications Cable	2017/8127	Not Controlled Action	Completed	In feature area
Not controlled action (particular manner)				
INDIGO Marine Cable Route Survey (INDIGO)	2017/7996	Not Controlled Action (Particular Manner)	Post-Approval	In feature area

Attachment 5- Threatened Species Likelihood of Occurrence

Threatened Species Likelihood of Occurrence Table sourced from BioAtlas and PMST reports with a 10km Buffer from the subject site. Key: CE = Critically Endangered, E = Endangered, V = Vulnerable

Common Name <i>Scientific name</i>	Status		Source	Primary habitat requirements	Likelihood of Occurrence ^[1]	Impact
	BC Act	EPBC Act				
MAMMALS						
Koala <i>Phascolarctos cinereus</i>	E	E	BioAtlas and PMST	Open eucalypt forest and woodland, containing a variety of 'preferred' food tree species.	Low potential to forage through. 2 historic records in locality	No impact
BIRDS						
Swift Parrot <i>Lathamus discolor</i>	E	CE	PMST	Migrates to the Australian south-east mainland between February and October. On the mainland they occur in areas where eucalypts are flowering profusely or where there are abundant lerp (from sap-sucking bugs) infestations. Favours feed trees include winter flowering Eucalypt species.	Unlikely. Suitable habitat not present	No impact
Diamond Firetail <i>Stagonopleura guttata</i>	V		PMST	Found in grassy eucalypt woodlands, including Box-Gum Woodlands. Also occurs in open forest, mallee, Natural Temperate Grassland, and in secondary grassland derived from other communities. Often found in riparian areas (rivers and creeks), and sometimes in lightly wooded farmland.	Low. Potential to be in nearby woodlands that will not be impacted by the development.	No impact
Grey-crowned Babbler (eastern subspecies) <i>Pomatostomus temporalis temporalis</i>	V		BioAtlas	Inhabits open Box-Gum Woodlands on the slopes, and Box-Cypress-pine and open Box Woodlands on alluvial plains. Woodlands on fertile soils in coastal regions. Feed on invertebrates, either by foraging on the trunks and branches of eucalypts and other woodland trees or on the	Low. Potential to be in nearby woodlands that will not be impacted by the development.	No impact

Common Name <i>Scientific name</i>	Status		Source	Primary habitat requirements	Likelihood of Occurrence ^[1]	Impact
	BC Act	EPBC Act				
Plains-wanderer, <i>Pedionomus torquatus</i>	E	CE	PMST	ground, digging and probing amongst litter and tussock grasses. Plains-wanderers live in semi-arid, lowland native grasslands that typically occur on hard red-brown soils. These grasslands support a high diversity of plant species, including several state and nationally threatened species.; ¹ Habitat structure plays a more significant role than plant species composition. Preferred habitat of the Plains-wanderer typically comprises 50% bare ground, 10% fallen litter, and 40% herbs, forbs, and grasses.; ³ Most of the grassland habitat of the Plains-wanderer is <5 cm high, but some vegetation up to a maximum of 30 cm is important for concealment, if grass tussocks are spaced 10-20 cm apart. Breeding pairs have overlapping home ranges that total approximately 18 ha.; ⁶ The Plains-wanderer is a ground-dwelling grassland bird.	Unlikely. Suitable habitat not present	No impact
Brolga, <i>Grus rubicunda</i>	V		BioAtlas	Though Brolgas often feed in dry grassland or ploughed paddocks or even desert claypans, they are dependent on wetlands too, especially shallow swamps, where they will forage with their head entirely submerged.; ¹ They feed using their heavy straight bill as a 'crowbar' to probe the ground or turn it over, primarily on sedge roots and tubers. They will also take large insects, crustaceans, molluscs, and frogs.	Low likelihood of foraging in area, no breeding or nesting habitat withing footprint.	No impact
Major Mitchell's Cockatoo <i>Lophochroa leadbeateri</i>	V		PMST	Inhabits a wide range of trees and treeless inland habitats, always within easy reach of water. Feeds mostly on the ground, especially on the seeds of native and exotic melons and on the seeds of species of saltbush, wattles, and cypress pines. Nests in tree hollows.	Low. Potential to be in nearby woodlands that will not be impacted by the development.	No impact
Superb Parrot <i>Polytelis swainsonii</i>	V	V	PMST	Inhabit Box-Gum, Box-Cypress-pine and Boree woodlands and River Red Gum Forest. Nests in hollows of large trees	Low. Potential to be in nearby woodlands that	No impact

Common Name <i>Scientific name</i>	Status		Source	Primary habitat requirements	Likelihood of Occurrence ^[1]	Impact
	BC Act	EPBC Act				
				in tall riparian River Red Gum Forest or woodland. May forage up to 10 km from nesting sites, primarily in grassy box woodland. Feeds in trees and understorey shrubs and on the ground.	will not be impacted by the development.	
Australian Painted Snipe <i>Rostratula australis</i>	E		PMST	Prefers fringes of swamps, dams, and nearby marshy areas where there is a cover of grasses, lignum, low scrub, or open timber. Nests on the ground amongst tall vegetation, such as grasses, tussocks, or reeds. Forages nocturnally.	Low. Suitable habitat not present.	No impact
South-eastern Hooded Robin <i>Melanodryas cucullata</i>	E		PMST	Prefers lightly wooded country, usually open eucalypt woodland, acacia scrub and mallee, often in or near clearings or open areas. Requires structurally diverse habitats featuring mature eucalypts, saplings, some small shrubs, and a ground layer of moderately tall native grasses. Nests in a tree fork or crevice, from less than 1 m to 5 m above the ground.	Low. May fly over the study area but would not be reliant on the site for any of its lifecycle requirements.	No impact
Australasian Bittern <i>Botaurus poiciloptilus</i>	E		PMST	Favours permanent freshwater wetlands with tall, dense vegetation, particularly bullrushes. Hides during the day amongst dense reeds or rushes and feed at night on frogs, fish, yabbies, spiders, insects, and snails.	Low. Suitable habitat not present.	No impact
Painted Honeyeater <i>Grantiella picta</i>	V		PMST	Inhabits Boree, Brigalow and Box-Gum Woodlands and Box-Ironbark Forests. A specialist feeder on the fruits of mistletoes growing on woodland eucalypts and acacias. Prefers mistletoes of the genus <i>Amyema</i>	Low. Suitable habitat not present.	No impact
Grey Falcon <i>Falco hypoleucos</i>	V	V	PMST	Usually restricted to shrubland, grassland and wooded watercourses of arid and semi-arid regions, although it is occasionally found in open woodlands near the coast. Nests in trees.	Low. Predicted occurrence. Low. Potential to be in nearby woodlands that will not be impacted by the development.	No impact

Common Name	Status		Source	Primary habitat requirements	Likelihood of Occurrence ^[1]	Impact
	BC Act	EPBC Act				
AMPHIBIA						
Southern Bell Frog, <i>Litoria raniformis</i>	E	V	PMST	Usually found in or around permanent or ephemeral Black Box/Lignum/Nitre Goosefoot swamps, Lignum/Typha swamps and River Red Gum swamps or billabongs along floodplains and river valleys. They are also found in irrigated rice crops, particularly where there is no available natural habitat.; Tadpoles require standing water for at least 4 months for development and metamorphosis to occur but can take up to 12 months to develop. ⁴ Outside the breeding season animals disperse away from the water and take shelter beneath ground debris such as fallen timber and bark, rocks, grass clumps and in deep soil cracks.	Low habitat suitability.	No impact
PLANTS						
Winged Peppercress <i>Lepidium monophlooides</i>	E	E	PMST	Occurs in periodically flooded and waterlogged habitats and does not tolerate grazing disturbance.	Low. Habitat highly modified (Category 1 lands).	No impact
Mossiel Daisy, <i>Brachyscome pillosa</i>	V	V	BioAtlas	Recorded primarily in clay soils on Bladder Saltbush and Leafless Bluebush plains, but also in grassland and in Inland Grey Box & Cypress Pine woodland.	Low. Habitat highly modified (Category 1 lands).	No impact
Red Darling Pea, Red Swainson Pea <i>Swainsona plagiotropis</i>	V	V	BioAtlas and PMST	Grows on flat grassland and in heavy red soil, often on roadsides and especially in table drains. Soils are derived from quaternary sediments and are usually red-brown clay-loams. The species is absent from black low-lying soils. ¹ Recorded from roadsides, rail reserves, stock routes and areas of lightly grazed unimproved pasture.	High. Known to occur in nearby Nature reserve in similar habitat type to property. 1 historic record on property and high abundance of recent records within 5km. predicted occurrence	No impact

Common Name <i>Scientific name</i>	Status		Source	Primary habitat requirements	Likelihood of Occurrence ^[1]	Impact
	BC Act	EPBC Act				
Silky Swainson-pea <i>Swainsona sericea</i>	V		BioAtlas	Found in Natural Temperate Grassland and Snow Gum Woodland on the Monaro; ¹ Found in Box-Gum Woodland in the Southern Tablelands and Southwest Slopes; ² Sometimes found in association with cypress-pines. Swainsona species and other forbs prefer grassland maintained in an open condition. Heavy growth of grass over several years may suppress those species and jeopardise their viability	High. Known to occur in nearby Nature reserve in similar habitat type to property. 1 historic record on property and high abundance of recent records within 5km. predicted occurrence	No impact
A spear-grass <i>Austrostipa wakoolica</i>	E	E	PMST	Grows on floodplains of the Murray River tributaries, in open woodland on grey, silty clay or sandy loam soils; habitats include the edges of a lignum swamp with box and mallee; creek banks in grey, silty clay; mallee and lignum sandy-loam flat; open Cypress Pine Forest on low sandy range; and a low, rocky rise.	Low. Suitable habitat not present.	No impact
Turnip Copperburr, <i>Sclerolaena napiformis</i>	E	E	BioAtlas and PMST	Confined to remnant grassland habitats on clay-loam soils. Grows on level plains in tussock grassland of <i>Austrostipa nodosa</i> and <i>Chloris truncata</i> , in grey cracking clay to red-brown loamy clay. Sites are roadside travelling stock routes and reserves subject to sheep grazing. Grows in areas with intermittent light grazing. Based on past land use, this regime may promote the growth of the species, or at least not be detrimental to it.	Low. Known to occur in nearby Nature reserve however requires intermittent grazing or travelling stock passing through. Habitat not suitable.	No Impact
Slender Darling-pea <i>Swainsona murrayana</i>	V	V	BioAtlas and PMST	The species has been collected from clay-based soils, ranging from grey, red, and brown cracking clays to red-brown earths and loams. Plants have been found in remnant native grasslands or grassy woodlands that have been intermittently grazed or cultivated.	Medium. Habitat not suitable. Known to occur in nearby Nature reserve. No historic records on property.	No impact

Attachment 6 - Test of Significance

BC Act Test of Significance

Under Part 7, Division 1 of the *BC Act*, the test of significance is to be taken into account for the purposes of determining whether a proposed activity or activity is likely to significantly affect threatened species, populations or communities, or their habitats. This test should be applied to species, populations and communities listed under the *BC Act* that have a high likelihood or known occurrence on site and where potential or known habitat has not been avoided and/ or indirect impacts are likely regardless of the minimisation or mitigation measures proposed. The Tests of Significance have been completed as according to the Threatened Species Test of Significance Guidelines (OEH, 2018).

Two threatened flora species listed as Vulnerable under the *BC Act* are presumed to have a high likelihood of occurring on site based on the results of this desktop assessment and thus the proposals impacts have been assessed below on these individuals:

Silky Swainson-pea (*Swainsona sericea*) – Vulnerable under the *BC Act*

Red Swainson Darling Pea (*Swainsona plagiotropis*) – Vulnerable under the *BC Act*

Swainsona plagiotropis (Red Swainson Pea / Red Darling Pea)

Name of threatened species
<p>The Red Swainson-pea <i>Swainsona plagiotropis</i> is endemic to inland south-eastern Australia, where it occurs in Victoria and New South Wales. Apparently once abundant and widely distributed across the inland plains, the species has suffered a decline in range and abundance with the conversion of much of its former range to agriculture. There are currently estimated to be some 200,000 plants occurring in about 60 wild populations. However, many of these populations are small, fragmented and in highly vulnerable locations such as on private land and on roadsides.</p> <p>About 60 populations of Red Swainson-pea are currently known. Population sizes fluctuate markedly in response to seasonal conditions but total population size in good years probably exceeds 200,000 individuals. The geographic distribution of recent records of Red Swainson-pea suggests the existence of two large and extensive 'metapopulations': one centred on Jerilderie in southern NSW, the second between Echuca and Serpentine in northern Victoria. Several Site populations within Jerilderie are considered to be large 'stronghold' metapopulations and considered important to the long-term survival and recovery of the Red Swainson-pea (i.e. areas of high abundance).</p>
Habitat requirements
<p>The Red Swainson-pea is endemic to the riverine plains of inland south-eastern Australia, in Victoria and New South Wales.</p> <p>The Red Swainson-pea occurs within the 350–450mm average annual rainfall band, in relatively open native grassland vegetation on seasonally waterlogged red–brown clay and clay loam soils. The vegetation is dominated by perennial native grasses often with scattered small shrubby bluebushes.</p>
(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction
<p>Minimal ground vegetation is required to be removed when installing the Solar tracking panels during installation, as such, the chance of disturbing a viable population is reduced. <i>S. plagiotropis</i> tends to prefer roadside habitat which will not be affected by the proposal. Historic arial footage indicates a long history of grazing and highly modified land reducing the chance of a large established population being present. Any individuals would be seed distributed from the bordering Jerilderie Nature Reserve where a viable established population will remain undisturbed. It is unlikely that the proposal will impact native seedbank such that a local population is likely to be placed at risk of extinction.</p>
(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
N/A
(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction
N/A
(c) in relation to the habitat of a threatened species or ecological community

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity

The proposal will remove highly modified grasslands and may require the removal of small shrubby planted trees which border the alignment. As the soil on site is highly disturbed where the installation is required, it is unlikely that the proposal will impact native seedbank of *S. plagiotropis*.

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity

No further fragmentation will occur as part of the Proposal.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality

Several protected site populations within Jerilderie are considered to be large 'stronghold' metapopulations and considered important to the long-term survival and recovery of the Red Swainson-pea (Tonkinson, D. & Robertson, G, 2010). The proposal is unlikely to contribute to the decline of this species.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly)

The proposal is not located in any declared area of outstanding biodiversity value.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process

The *BC Act* defines a 'key threatening process' (KTP) as a process that 'adversely affects threatened species or ecological communities' or 'could cause species or ecological communities that are not threatened to become threatened' (s 4.32). Schedule 4 of the *BC Act* provides a list of KTPs.

Current threats to *S. plagiotropis* include ongoing loss of habitat through land use change, weed invasion and climate change. Not all threats affect all populations, or act continuously, and some may only act seasonally or under particular climatic or socio-economic conditions. The current Proposal will not contribute significantly to any KTPs relevant to the Red Darling Pea based on the small population size that may occur on the property and minimal ground disturbance required for the proposal.

Conclusion

After careful consideration of the above factors and available information, the proposed activity within the Subject Site is not likely to have a "significant effect" on *S. plagiotropis*.

The Proposal:

- Will not adversely affect the lifecycle of the species;
- Will not remove, modify, or further fragment or isolate a significant area of habitat for the species, and;
- Does not significantly contribute to any KTP.

Consequently, a Species Impact Statement (SIS) or a Biodiversity Development Assessment Report (BDAR) is not required.

Swainsona sericea (Silky Swainson Pea)

Name of threatened species
<p>The Silky Swainson-pea, <i>Swainsona sericea</i>, Silky Swainson-pea has been recorded from the Northern Tablelands to the Southern Tablelands and further inland on the slopes and plains. There is one isolated record from the far north-west of NSW. Its stronghold is on the Monaro. Also found in South Australia, Victoria, and Queensland. This species is predicted to be secure in NSW for 100 years without targeted management at sites, as such, has been assigned to the Keep-watch species management stream under the Saving our Species (SoS) program.</p>
<p>Habitat requirements</p> <p><i>Swainsona sericea</i> is found in Natural Temperate Grassland and Snow Gum Eucalyptus pauciflora Woodland on the Monaro or in Box-Gum Woodland in the Southern Tablelands and South West Slopes. Sometimes it can be found in association with cypress-pines Callitris spp.</p>
(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction
<p>Minimal ground vegetation is required to be removed when installing the Solar tracking panels during installation, as such, the chance of disturbing a viable population is reduced. <i>S. sericea</i> tends to prefer roadside habitat which will not be affected by the proposal. Historic arial footage indicates a long history of grazing and highly modified land reducing the chance of a large established population being present. Any individuals that may be present would be from seed dispersed from the bordering Jerilderie Nature Reserve where a viable established population will remain undisturbed. It is unlikely that the proposal will impact native seedbank such that a local population is likely to be placed at risk of extinction.</p>
(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
N/A
(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction
N/A
(c) in relation to the habitat of a threatened species or ecological community
(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity
<p>The proposal will remove highly modified grasslands and may require the removal of small shrubby planted trees which border the alignment. As the soil on site is highly disturbed where the installation is required, it is unlikely that the proposal will impact native seedbank of <i>S. sericea</i>.</p>
(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity

No further fragmentation will occur as part of the Proposal.

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality

Minimal ground vegetation is required to be removed when installing the Solar tracking panels during installation, as such, the chance of fragmenting a viable population is highly unlikely and will not impact the long-term survival of the species.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly)

The proposal is not located in any declared area of outstanding biodiversity value.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process

The *BC Act* defines a 'key threatening process' (KTP) as a process that 'adversely affects threatened species or ecological communities' or 'could cause species or ecological communities that are not threatened to become threatened' (s 4.32). Schedule 4 of the *BC Act* provides a list of KTPs.

Current threats to *S. sericea* include ongoing loss of habitat through land use change, weed invasion and climate change. Not all threats affect all populations, or act continuously, and some may only act seasonally or under particular climatic or socio-economic conditions. The current Proposal will not contribute significantly to any KTPs relevant to the species based on the small population size that may occur on the property and minimal ground disturbance required for the proposal.

Conclusion

After careful consideration of the above factors and available information, the proposed activity within the Subject Site is not likely to have a "significant effect" on *S. sericea*.

The Proposal:

- Will not adversely affect the lifecycle of the species;
- Will not remove, modify, or further fragment or isolate a significant area of habitat for the species, and;
- Does not significantly contribute to any KTP.

Consequently, a Species Impact Statement (SIS) or a Biodiversity Development Assessment Report (BDAR) is not required.

EPBC Act Assessment of Significant Impact Criteria

Under Part 3 of the *EPBC Act*, assessment is required for actions that may impact on Matters of National Environmental Significance (MNES) or for actions proposed to be carried out upon Commonwealth Land. This self-assessment is applied to Matters of National Environmental Significance (MNES) listed under the *EPBC Act* that have a high likelihood of occurrence or known occurrence on the Subject Site.

One Matters of National Environmental Significance (MNES) listed under the *EPBC Act* that have a high likelihood of occurrence or known occurrence on or in proximity to the Subject Site is:

- Red Swainson Darling Pea (*Swainsona plagiotropis*) – Vulnerable under the EPBC Act

Swainsona plagiotropis (Red Swainson Pea / Red Darling Pea)

An action is likely to have a significant impact on a vulnerable species if there is a real chance or possibility that it will:

Lead to a long-term decrease in the size of an important population of a species

Minimal ground vegetation is required to be removed when installing the Solar tracking panels during installation, as such, the chance of disturbing a viable population is reduced. *S. plagiotropis* tends to preference roadside habitat which will not be affected by the proposal. Historic arial footage indicates a long history of grazing and highly modified land reducing the chance of a large established population being present. Any individuals would be seed distributed from the bordering Jerilderie Nature Reserve where a viable established population will remain undisturbed. It is unlikely that the proposal will impact native seedbank such that a local population is likely to be placed at risk of extinction.

Reduce the area of occupancy of an important population

The *S. plagiotropis* in Jerilderie is considered a large and extensive 'metapopulations' and are considered to be large 'stronghold' metapopulations important to the long-term survival and recovery of the Red Swainson-pea (i.e., areas of high abundance). These areas will not be impacted by the proposal and any impact to individuals within the proposal area will not affect the population or place at risk of extinction.

Fragment an existing population into two or more populations

No fragmentation or isolation from other areas of habitat will occur due to the proposed works.

Adversely affect habitat critical to the survival of a species

The Subject Site and Survey Area do not contain habitat critical to the survival of the species. Therefore, the Proposal will not adversely affect critical habitat.

Disrupt the breeding cycle of an important population

As with most other hard-seeded pea species, *S. plagiotropis* is likely to require fire, prolonged wet conditions, or soil disturbance to break the water-impermeable testa of the seed and allow germination. Light grazing also reduces grass cover, maintaining an open sward and allowing sufficient inter-tussock space for germination and establishment is also required, therefore, the proposed works will not disrupt the breeding cycle.

Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline

Several protected site populations within Jerilderie are considered to be large 'stronghold' metapopulations and considered important to the long-term survival and recovery of the Red Swainson-pea (Tonkinson, D. & Robertson, G, 2010), one of which borders the proposal site and will not be impacted by the development, as such, the proposal is unlikely to contribute to the decline of this species.

Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat

There are numerous invasive flora species within the Subject Site. The Proposal may increase invasive species within the Subject Site and Survey Area. These impacts are largely short-term impacts with the correct measures in place to prevent further weed incursion. This impact will not be significant for the species.

introduce disease that may cause the species to decline

The construction works may facilitate seed dispersal of weed species through the importation of materials and the movement of plant and equipment across the Survey Area.

interfere with the recovery of the species

The species has a National Recovery Plan that outlines recovery objectives. The Proposal will not interfere with any recovery objectives outline in the plan and will therefore not interfere with the recovery of the species.

Conclusion

Under the *EPBC Act* an action requires approval from the Australian Government Minister for the Environment (the Minister) if the action has, would have, or is likely to have, a significant impact on a matter of national environmental significance such as the Vulnerable *S. Plagiotropis*. The assessment above concludes that the proposed works would not have a significant impact on this species and as such, the action does not require referral to the Minister for further assessment and approval under the *EPBC Act*.

Appendix C: AHIMS Basic Search Result

Chris Smith and Associates

Level 1, 135 Fryers St
Shepparton Victoria 3630

Attention: Callista Harris

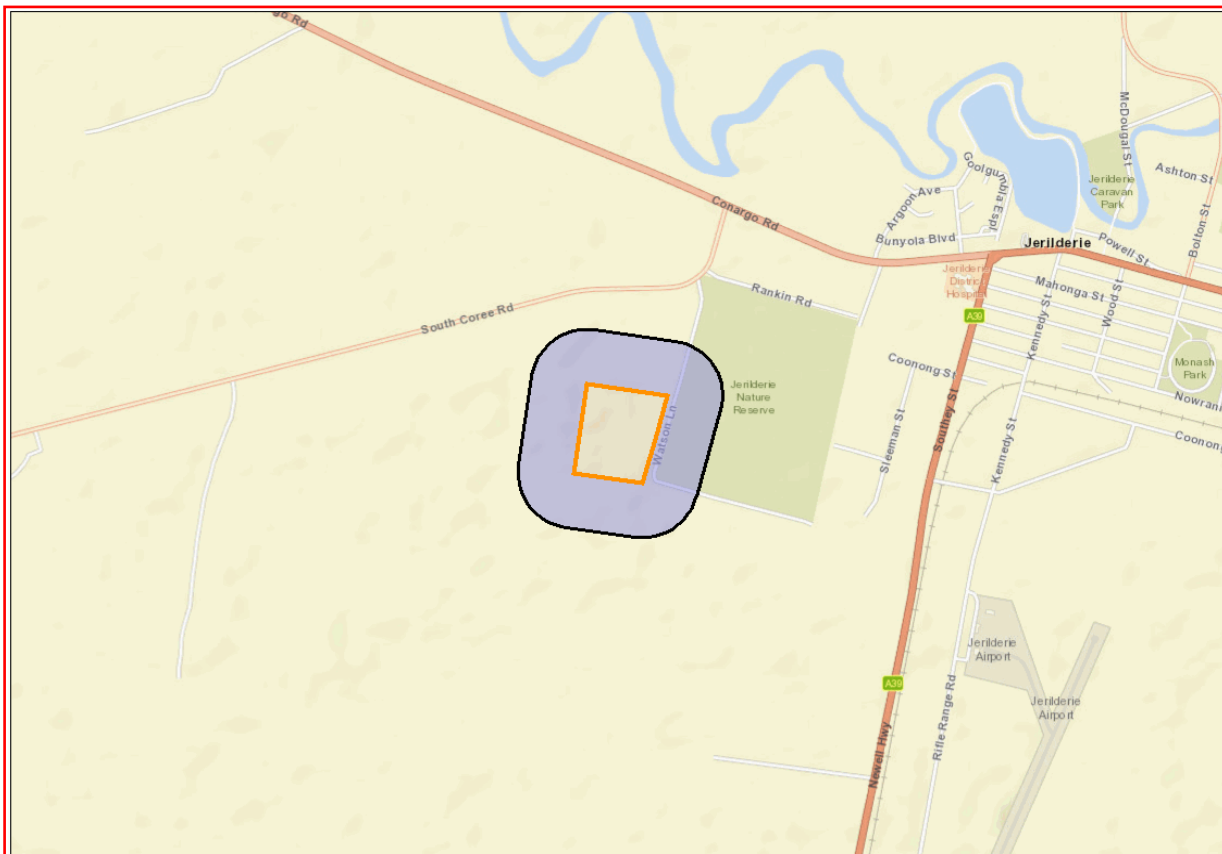
Email: callista.harris@csmith.com.au

Date: 05 April 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 5, DP:DP858670, Section : - with a Buffer of 200 meters, conducted by Callista Harris on 05 April 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Appendix D: Certificate of Title



FOLIO: 5/858670

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
13/6/2023	11:31 AM	1	29/4/1996

LAND

LOT 5 IN DEPOSITED PLAN 858670
AT JERILDERIE SOUTH
LOCAL GOVERNMENT AREA MURRUMBIDGEE
PARISH OF JERILDERIE SOUTH COUNTY OF URANA
TITLE DIAGRAM DP858670

FIRST SCHEDULE

THE JERILDERIE COUNCIL

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

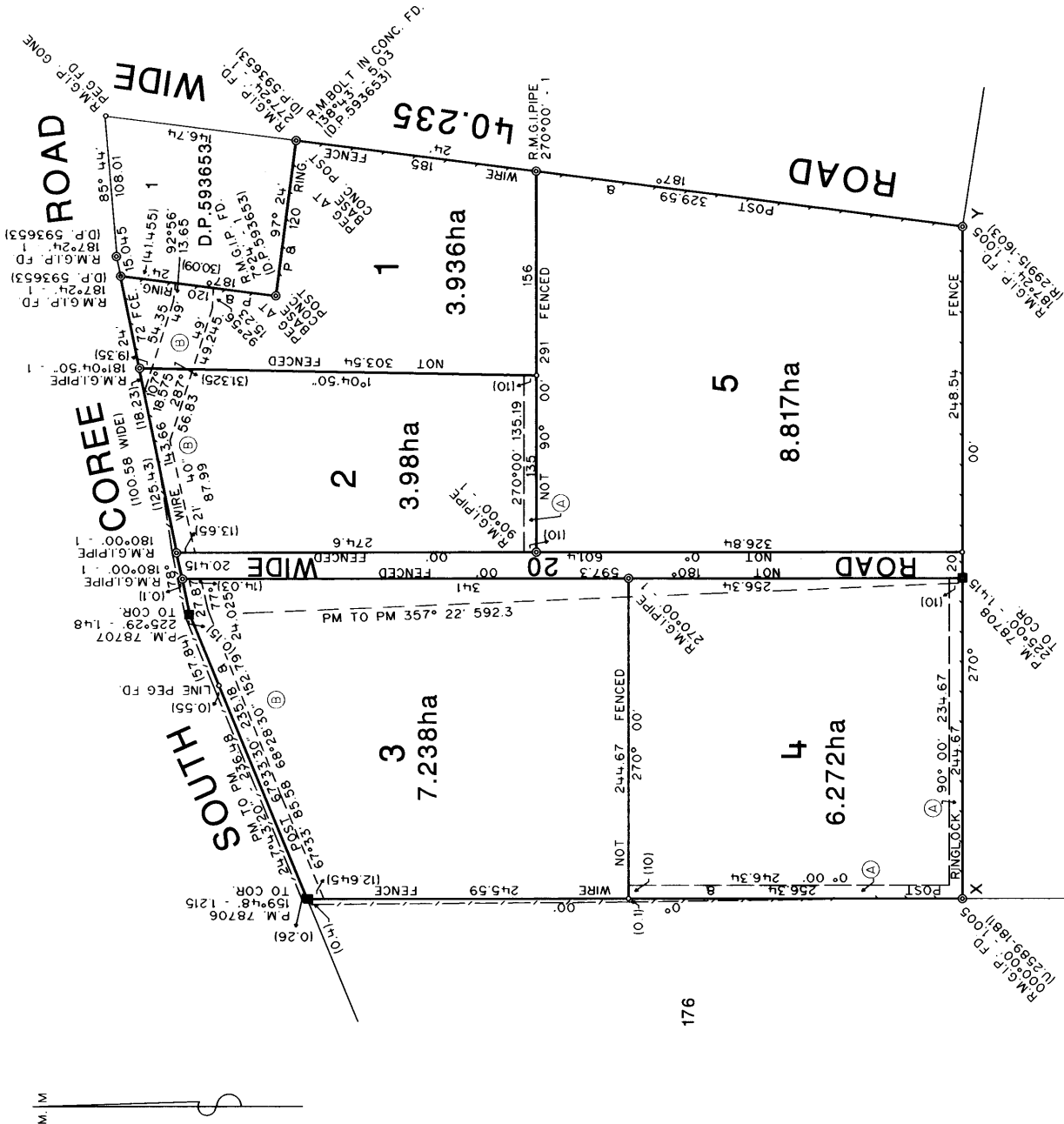
*** END OF SEARCH ***

23113

PRINTED ON 13/6/2023

SCALES AND STATEMENTS of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants

DP 858670	
Registered	29.11.1996
CA	N0 437/C157 OF 21-12-1995
System	TORRENS
Purpose	SUBDIVISION
Ref. Map	PARISH
Last Plan	D.P. 593653
PLAN OF SUBDIVISION OF LOT 2, D.P. 593653	
Lengths are in metres. Reduction Ratio 1:2500	
LGA.	JERILDERIE
Locality	JERILDERIE SOUTH
Parish	JERILDERIE SOUTH
County	URANA
This is Sheet 1 of 1 plan in sheets (Delete if inappropriate)	
BRIAN LESLIE MITSCH or DENILQUIN, N.S.W. 2710	
a surveyor registered under the Surveyors Act 1992 hereby certify that the survey represented in this plan is accurate and has been made in accordance with the provisions of the Surveyors Act 1992 and was completed on 15th AUGUST 1995	
Signature	B. L. Misch
Surveyor registered under Surveyors Act 1992	
Deputy Line of Authority X - Y	
Plans used in preparation of survey/compilation	
D.P. 593653 U2589-1881 U29915-1603 D.P. 616202	
PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants	
IT IS INTENDED TO DEDICATE THE LAND SHOWN AS ROAD 20 METRES TO THE PUBLIC AS ROAD	
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, IT IS INTENDED TO CREATE :	
1. EASEMENT TO DRAIN WATER 10 METRES WIDE	



178

① EASEMENT TO DRAIN WATER 10 WIDE
② EASEMENT FOR TRANSMISSION LINE
CREATED BY D.P. 616202

Crown Lands Office Approval

PLAN APPROVED

Land District

Authorised Officer

Page No.

Page No.

Councils Certificate

I hereby certify that:

(a) The requirements of the Local Government Act 1996 have been met

(b) The requirements of the Local Government Act 1996 have been met

(c) The requirements of the Local Government Act 1996 have been met

(d) The requirements of the Local Government Act 1996 have been met

(e) The requirements of the Local Government Act 1996 have been met

(f) The requirements of the Local Government Act 1996 have been met

(g) The requirements of the Local Government Act 1996 have been met

(h) The requirements of the Local Government Act 1996 have been met

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(r) The requirements of the Local Government Act 1996 have been met

(s) The requirements of the Local Government Act 1996 have been met

(t) The requirements of the Local Government Act 1996 have been met

(u) The requirements of the Local Government Act 1996 have been met

(v) The requirements of the Local Government Act 1996 have been met

(w) The requirements of the Local Government Act 1996 have been met

(x) The requirements of the Local Government Act 1996 have been met

(y) The requirements of the Local Government Act 1996 have been met

(z) The requirements of the Local Government Act 1996 have been met

Subdivision No 437/C157

Date 21/11/1995

Signature: SHIRLEY HUNTER

General Manager

Council File No S 33.1

*This part of the certificate is to be deleted where the application is only for a consolidation or the opening of a new road or where the only public road or public reserve is a public road or public reserve created by the Local Government or the Local Water Corporation.

*Delete if appropriate



NSW National Parks and Wildlife Service

Your ref: DA06-15/16
Our ref: DOC23/801535

Mr John Scarce
General Manager
Murrumbidgee Council
PO Box 96
JERILDERIE, NSW 2716

Email: mail@murrumbidgee.nsw.gov.au

Dear Mr Scarce

RE: Section 4.55(2) EP&A Act Modification of Development Application 06-15/16

Thank you for the neighbour notification dated 10 August 2023 to the NSW National Parks and Wildlife Service (NPWS) about the proposed section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) modification of Development Application (DA) 06-15/16 via the NSW Planning Portal (CNR-58749). This DA is of interest to NPWS as the proposal is adjacent to Jerilderie Nature Reserve as land reserved under Part 4 of the *National Parks and Wildlife Act 1974* (NPW Act), so I appreciate the opportunity to comment.

NPWS also referred this proposal to the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment to review the biodiversity component subject to Part 7 of the *Biodiversity and Conservation Act 2016* (BC Act) as it relates to the DA and Jerilderie Nature Reserve. BCD's recommendations form part of this response.

On review of the Modification Report for the extension of Jerilderie Solar Farm on South Coree Road, at Jerilderie, by Chris Smith and Associated Pty Ltd dated July 2023, and supporting documents NPWS raises the following matters. A detailed explanation of the matters and recommendations is provided in **Attachment 1** to this letter.

NPWS recommends revising the proposal and supporting reports to:

1. confirm the planning application of section 4.55(2) of the EP&A Act, by clearly justifying that the proposed modification to the DA is substantially the same development and adequately considers section 4.15 of the EP&A Act, addressing both the statutory and environmental matters as prescribed.
2. recognise Jerilderie Nature Reserve as a sensitive receiver and consider development in accordance with the *Guideline for Developments adjacent to National Parks and Wildlife Service lands* (DPIE 2020). In assessing applications adjacent to, indirectly impacting on land reserved under the NPW Act, NPWS recommends using this guideline to assist in identifying key environmental and park management elements which require consideration.
3. assess adequacy of the biodiversity assessment, and consider the values attached to Jerilderie Nature Reserve, and likely Watson Lane which forms the interface to the reserve as affected by the proposed modification. As detailed information on the likely impacts to threatened species in this locality is currently absent from the submitted reports.
4. incorporate more guidance around the requirements of the proposed operational management plan for the solar farm to ensure compliance with environmental mitigation measures, especially those that will protect and benefit Jerilderie Nature Reserve.

5. ensure the proposal adequately considers Part 7 of the *Biodiversity Conservation Act 2016*, providing clear evidence that the Biodiversity Offset Scheme does not apply and the underlining assessment is consistent with the Department of Planning and Environment published [Test of Significance \(ToS\) Guidelines](#).

Any questions about Jerilderie Nature Reserve, please contact Alana Hansell, Ranger responsible for the reserve on (02) 6966 8100 or via email alana.hansell@environment.nsw.gov.au. Any questions regarding biodiversity assessment, please contact BCD via Claire Coulson, Senior Conservation Planning Officer, via the rog.southwest@environment.nsw.gov.au or on 02 6022 0636.

Yours sincerely



DARREN PITT

A/Director, West Branch

National Parks and Wildlife Service

8 September 2023

CC: Claire Coulson, Senior Conservation Planning Officer – Biodiversity Conservation Division

Attachment 1 - National Parks and Wildlife Service detailed response

On review of the submitted *Section 4.55(2) DA Modification Report Extension of DA06-15/16 Ref: 23113 Rev.0 as prepared by Chris Smith & Associates, dated July 2023 (MR)* for the Jerilderie Solar Farm on behalf of the proponent Sunmania Pty Ltd, the National Parks and Wildlife Service (NPWS) raises the following matters.

The original Development Application 6-2-15/16 (DA) for the Jerilderie Solar Farm (solar farm) on South Coree Road, Jerilderie NSW 2716 covered Lot 2 DP858670 as did the approval issued by Murrumbidgee Council on 22 December 2016. The DA approval allowed for the installation of a small 1.5 megawatt (MW) solar farm assessed subject to a Statement of Environmental Effects prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) by previous proponent Solure Pty Ltd, dated November 2015. NPWS highlights that the MR provides no direct reference to the provisions of the original SEE, or the issued approval nor does it discuss or apply any relevant conditions pertaining to the modification, as the DA predated Councils online record system these documents are not accessible.

The modification to the DA approval, as proposed, will include Lot 5 DP858670 with a recognised three and a half times expansion on the current solar farm's operational area, with a threefold increase in energy generation with a new unknown storage capacity. According to the MR the proponent intends to proceed with the modification under section 4.55(2) of the EP&A Act as an '*other modification, where the development will remain substantially the same as the development that was originally approved*'. The justification is that the proposal is a renewable energy proposal consistent with the one approved.

NPWS response to the proposed modification is made as the Park Authority and based on the neighbour notification, as the land manager for the adjoining Jerilderie Nature Reserve as land reserved under Part 4 of the *National Parks and Wildlife Act 1974*. NPWS recognises that the proposed extension to the solar farm is separated by Watsons Lane. The Lane under the proposal will become both the construction and new primary access point for the new solar farm substantial addition.

Planning considerations

1. Applying section 4.55(2) of the EP&A Act

On review of the MR NPWS advises that the merits applied to justify how the proposed extension of the solar farm remains a modification appear unclear in both a statutory, and environmental assessment context. NPWS questions if the significant increase in area, assets, power generation and use of infrastructure beyond the original scope of the DA consent equate to substantially the same development for which that consent was granted?

NPWS acknowledges that the proposal remains a renewable energy development, however concern is raised about the level of expansion into an adjoining Lot (as Lot 5) outside the original consent as a 3.5 fold increase in development footprint, is for the purposes of the EP&A Act a modification. NPWS advises that the MR is required to justify that the modification to the DA accords with section 4.55(2) of the EP&A Act.

The proponent is also required to consider the proposal subject to [section 4.15](#) of the EP&A Act, addressing the statutory and environmental assessment matters as prescribed. This includes ensuring Part 7 of the *Biodiversity Conservation Act 2016* are adequately addressed, any environmental planning instruments, statutory guidelines or any additional environmental impacts arising on the natural and built environment, the community and the local economy, site suitability and the public interest.

NPWS recommends

Revising the modification report to:

- 1.1 justify that the proposed modification accords with section 4.55(2) of the EP&A Act, satisfying the requirements that the proposal is substantially the same development for which consent was originally granted, and
- 1.2 adequately address the provisions set under [section 4.15](#) of the EP&A Act, and all the statutory and environmental assessment matters as prescribed.
- 1.3 accord with the set planning provisions including the EP&A Act, Regulation and relevant environmental planning instruments applying to energy generating development and planning guidance material produced by Department of Planning and Environment [Large-Scale Solar Energy Guideline](#)¹ (DPE 2022).
- 1.4 address compliance with the existing DA approval, providing the consent as an Appendix to the MR. Confirm that the proposed modification of the DA is compliant with the original consent and any restrictions or concurrence requirements accord with the terms of approval.
- 1.5 confirm how the application of conditions attached to a potential future approval of the DA imposing a requirement to amalgamate the lots will facilitate the solar farm development.

Environmental matters

2. Access and transmission connection

On review of the MR NPWS acknowledged that additional site access will be required for both construction and operational purpose via Watson Lane. Notably this road is unseal, two-way road with an apparent default rural speed limit of 100 km/hr.

The MR appears to be absent a condition or adequacy access assessment, so it's unknown if the Lane is fit for the access purpose as described by the MR. Also missing is a detailed assessment of the Watson Lane intersection with South Coree Road (classified) and the required upgrades needed to implement safe egress to/from Watsons Lane. NPWS has a vested interest in this access as this represents the primary access to Jerilderie Nature Reserve, for both staff and the general public for all land management, scientific and recreational purposes.

NPWS is also concerned about works or upgrades to the Lane, or its stormwater drainage systems as the access has a direct interface with Jerilderie Nature Reserve. As an unsealed road dust generation during construction and access also becomes problematic for the management of the nature reserve and its values, as excessive dust can cover sensitive flora species leading to dieback overtime. This is likely to impact on threatened and protected flora known to occur in the adjoining unsealed Lane verge (corridor) as well as Jerilderie Nature Reserve.

NPWS recognises that current transmission line assets along Watson Lane, will be utilised under the proposed modification. No confirmation or justification is provided in the MR that the service provider has agreed with this arrangement, nor has it been confirmed that the current transmission assets are fit for the intended purpose or accord with fire protection requirements to ensure transmission security.

NPWS recommends

Revising the modification report to:

- 2.1 consider Jerilderie Nature Reserve as a sensitive receiver, and development adjacent to land reserved under the *National Parks and Wildlife Act 1974* by assess environmental matters in accordance with [Developments adjacent to National Parks and Wildlife Service lands | NSW Environment and Heritage](#) (DPIE 2020)².

¹ https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Lisa+Drupal+Documents/16007_DPIE+Large+Scale+Solar+Energy+Guidelines_26-9-22.pdf

² <https://www.environment.nsw.gov.au/research-and-publications/publications-search/developments-adjacent-to-national-parks-and-wildlife-service-lands>

- 2.2 provide a condition statement and adequacy assessment of Watsons Lane, covering its current condition, use, appropriateness of existing speed limits and any restrictions needed for safe egress of vehicles, heavy vehicle movement and public safety. Provide a statement on the level of work, maintenance, repair or upgrade required to ensure the Lane is fit for access.
- 2.3 identify how Watsons Lane will be utilised, will only a portion of the Lane be used during construction and operation or will the complete loop around the boundary of Jerilderie Nature Reserve be utilised.
- 2.4 provide environmental mitigations measures that will be included in any future Construction Environmental Management Plan (CEMP) on how the stormwater drainage, erosion and sedimentation and dust suppression will be managed during construction of the solar farm to reduce impacts on Jerilderie Nature Reserve as a sensitive receiver.
- 2.5 provide for the level of works required to Watsons Lane to ensure its fit for the construction phase, as part of the CEMP and will not adversely affect Jerilderie Nature Reserve in consultation with NPWS.
- 2.6 confirm with the service provider that the transmission infrastructure is adequate and fit for purpose requiring no upgrade or changes to fire protection, or corridor extent or maintenance levels.

3. Biodiversity (Jerilderie Nature Reserve)

On review of the MR and the supporting *Desktop Biodiversity Assessment- South Coree Road, Jerilderie, dated 17 July 2023 completed by Leneco Environmental Management (DBA) NPWS* raises concerns about the assessments adequacy in considering the *Biodiversity Conservation Act 2016*. In recognition of the known biodiversity values attached to Jerilderie Nature Reserve, and likely Watson Lane in this location as an extension of the recorded threatened flora distribution. As detailed information on biodiversity values, and the potential impacts associated with construction and operational works is absent from the MR and EA.

NPWS recommends

Revising the biodiversity assessment to:

- 3.1 consider known and likely impacts (direct, indirect and cumulative) on threatened flora both on Jerilderie Nature Reserve and Watsons Lane corridor, especially associated with any works, dust generation, erosion, and use of herbicides on the development site (spray drift) etc.
- 3.2 undertake the necessary site based survey to confirm the either the absence or presence and distribution of threatened flora in this locality based on the full extent of ancillary impacts attached to this proposal as it affects Jerilderie Nature Reserve, and its interface with Watson Lane.
- 3.3 recognise and confirm the known and likely distribution of the following threatened flora, and the potential impacts (direct, indirect and cumulative) on the populations on Jerilderie Nature Reserve and its interface with Watsons Lane, considering likelihood of distribution of:
 - a. Vulnerable (BC ACT – EPBC Act) [Red Darling Pea](#) - *Swainsona plagiotropis*
 - b. Vulnerable (BC Act) [Silky Swainson-pea](#) - *Swainsona sericea*
 - c. Vulnerable (BC Act– EPBC Act) [Slender Darling Pea](#) - *Swainsona murrayana*
 - d. Endangered (BC Act– EPBC Act) [Turnip Copperburr](#) - *Sclerolaena napiformis*
 - e. Endangered (BC Act) [Austral Pillwort](#) - *Pilularia novaehollandiae*

4. Operational Management Plan

On review of the MR NPWS advises that no information or evidence is provided on the existence of, or compliance with the Solar Farm's approved Operational Management Plan, or how the

proposed modification will interact with any existing documentation, nor does it identify any level of review required as part of the proposed modification.

NPWS recommends

Revising the modification report to:

- 4.1 address compliance with, and updates required to the solar farms Operational Management Plan (OMP).
- 4.2 Require the revised OMP to address:
 - a. longer term management, maintenance, or refurbishment of the solar farm including any agreed maintenance terms held with the local council for Watson Lane to ensure it remains fit for purpose as the main entry for the Lot 5 portion of the solar farm.
 - b. maintenance of the landscape buffer elements to reduce the magnitude of the visual impacts of the solar farm, ensuring sight line, glare and glint issues are mitigated for Jerilderie Nature Reserve.
 - c. environmental mitigations measures and implement stormwater drainage, erosion and sedimentation and dust suppression beyond the CEMP into the operational phase of the solar farm to reduce impacts on Jerilderie Nature Reserve.

Biodiversity and Conservation Division advice

The NSW National Parks and Wildlife Service (NPWS) referred this proposal to the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment to review the biodiversity component subject to [Part 7](#) of the *Biodiversity and Conservation Act 2016* (BC Act). As it related to the DA and the potential impacts on Jerilderie Nature Reserve.

BCD has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats) and flooding.

BCD highlighted that part of the subject site and adjoining areas are mapped as environmentally sensitive land in the Terrestrial Biodiversity Map, and subject to Clause 6.4 of the Jerilderie Local Environmental Plan 2010. This corresponds with areas of native vegetation associated with Threatened Ecological Communities and recent records for threatened species. These species and communities are listed under the BC Act, and some are listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. BCD consider this area to be of high conservation value. This proposal has the potential to significantly impact threatened species and communities in this locality.

The MR concludes the proposal will not have a significant impact on threatened species or communities. The proposal relies on the desktop biodiversity assessment, LenEco Environmental Management 17 July 2023. This assessment has significant limitations that make it unsuitable for decision making.

5. Biodiversity (Development site)

On review of the MR and the supporting desktop biodiversity assessment, LenEco Environmental Management 17 July 2023 (DBA), BCD advises that the submitted reports are;

- absent a Biodiversity Development Assessment Report (BDAR), and neither the MR or DBA documented or justified why the Biodiversity Offset Scheme (BOS) was not applied to the proposal. It remains possible that this proposal will trigger the BOS and require a BDAR.
- inconsistent with [section 7.3](#) of the BC Act, and non-compliant with the Department's [Test of Significance \(ToS\) Guidelines](#). As such, insufficient information was provided to support Council in making an informed determination under Part 7 of the BC Act.
- inconsistent with [Clause 6.4](#) of the Jerilderie Local Environmental Plan 2010 relating to the protection of Terrestrial Biodiversity.

- limited in the information provided on the plant community located on the subject site, it remains unconfirmed if the site contains native vegetation or not as no field survey was completed. A desktop assessment is not considered suitable, due to the number of recorded threatened species in the vicinity, or where state-wide vegetation mapping is known to be inaccurate at a site-specific scale and where high biodiversity values are mapped in the immediate area. Refer to [Threatened biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft \(nsw.gov.au\)](https://www.nsw.gov.au/protected-areas/conservation-guidelines/threatened-biodiversity-survey-and-assessment-guidelines-for-developments-and-activities-working-draft) for the preferred survey methodology.
- missing data, and clear statements about the total area of native vegetation clearing, modified or management as part of the proposed modification to the solar farm's footprint. This includes any ancillary use such as asset protection zones, landscaping, fence lines, driveways, services, temporary works and facilities.
- absent information on Watsons Lane, the transmission connection and security fencing along boundaries and any impacts to significant roadside vegetation. It's not clear if Watson Lane would require upgrades to support the proposal. These potential direct and indirect impacts have not been identified, assessed or appropriately mitigated.

BCD recommends

As the proposal is permitted with consent, Murrumbidgee Council has a duty to determine the likelihood of it adversely impacting on threatened species and their habitats according to Part 7 of the BC Act. BCD recommends Council ensure the MR and DBA are supported by a:

- 5.1 revised biodiversity assessment which includes on-ground field survey, including targeted surveys for threatened species recorded on or near the site consistent with the Department's [Guidelines for carrying out a survey | NSW Environment and Heritage](https://www.nsw.gov.au/protected-areas/conservation-guidelines/threatened-biodiversity-survey-and-assessment-guidelines-for-developments-and-activities-working-draft), especially the [Threatened biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft \(nsw.gov.au\)](https://www.nsw.gov.au/protected-areas/conservation-guidelines/threatened-biodiversity-survey-and-assessment-guidelines-for-developments-and-activities-working-draft).
- 5.2 revised assessment of significance under Part 7.3 of the BC Act, consistent with the Department's [Test of Significance \(ToS\) Guidelines](https://www.nsw.gov.au/protected-areas/conservation-guidelines/test-of-significance-to-s-guidelines).
- 5.3 clear statement, with justification that the BOS does not apply to the proposal, or clearly require a BDAR be provided to support the proposed modification. Refer to the Department's [About the Biodiversity Offsets Scheme | NSW Environment and Heritage](https://www.nsw.gov.au/protected-areas/conservation-guidelines/about-the-biodiversity-offsets-scheme).



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5 October 2023
Our Ref: 23113

Darren Pitt
A/Director, West Branch
National Parks and Wildlife Service
Via NSW Planning Portal

CC: Claire Coulson, Senior Conservation Planning Officer – Biodiversity Conservation Division
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Dear Mr Pitt,

Re: Section 4.55(2) Modification to DA06-15/16
Lots 2 & 5 of DP858670, South Coree Road, Jerilderie

In relation to your letter dated 8 September 2023, a response is provided overleaf.

Item #	Recommendation	Response
1.1	Revise the modification report to justify that the proposed modification accords with section 4.55(2) of the EP&A Act, satisfying the requirements that the proposal is substantially the same development for which consent was originally granted.	The proposal is substantially the same as the approved development. Section 5.2 of the modification report addresses the provisions of section 4.55(2) EP&A Act. We are advised that both Murrumbidgee Council and the Department of Planning and Environment are satisfied that the proposal can be assessed as a modification.
1.2	Revise the modification report to adequately address the provisions set under section 4.15 of the EP&A Act, and all the statutory and environmental assessment matters as prescribed.	Section 5.2 of the modification report addresses the provisions of section 4.15 of the EP&A Act. No further revision required.
1.3	Revise the modification report to accord with the set planning provisions including the EP&A Act, Regulation and relevant environmental planning instruments applying to energy generating development and planning guidance material produced by Department of Planning and Environment Large-Scale Solar Energy Guideline (DPE 2022)	<ul style="list-style-type: none"> Section 5 of the modification report addresses the relevant provisions of the EP&A Act, SEPP (Transport and Infrastructure) 2021, Jerilderie LEP 2012 and Jerilderie DCP 2012. No further revision required. The modification report does not discuss the EP&A Regulation as none of the provisions are specifically relevant to the proposal. The modification report does not address DPE's Large-Scale Solar Energy Guideline (2022) as the proposal is not a large-scale solar energy facility, as defined in section 1.2 of the Guideline.
1.4	Revise the modification report to address compliance with the existing DA approval, providing the consent as an Appendix to the MR. Confirm that the proposed modification of the DA is compliant with the original consent and any restrictions or concurrence requirements accord with the terms of approval.	<ul style="list-style-type: none"> The proposal is for a modification to the approved development; therefore, it is not necessary to comply with the conditions of the original approval. The conditions of consent will be revised by Murrumbidgee Council to reflect the modified development.
1.5	Revise the modification report to confirm how the application of conditions attached to a potential future approval of the DA imposing a requirement to amalgamate the lots will facilitate the solar farm development.	The modification report states that <i>"It is expected that Council will impose a condition of consent requiring the landowner to amalgamate the lots to facilitate the development."</i> This is to prevent the facility from being built across two separately transferable land parcels.
2.1	Revise the modification report to consider Jerilderie Nature Reserve as a sensitive receiver, and development adjacent to land reserved under the <i>National Parks and Wildlife Act 1974</i> by assessing environmental matters in accordance with 'Developments adjacent to National Parks and Wildlife Service lands' (DPIE 2020).	<ul style="list-style-type: none"> The modification report has been revised to consider Jerilderie Nature Reserve as a sensitive receiver, and to assess the proposal against 'Developments adjacent to National Parks and Wildlife Service lands' (DPIE 2020). The Ecological Assessment will be updated to include consideration of impacts to Jerilderie Nature Reserve, in accordance with 'Developments adjacent to National Parks and Wildlife Service lands' (DPIE 2020).
2.2	Revise the modification report to provide a condition statement and adequacy assessment of Watsons Lane, covering its current condition, use, appropriateness of existing speed limits and any restrictions needed for safe egress of vehicles, heavy vehicle movement and public safety. Provide a statement on the level of	<ul style="list-style-type: none"> The modification report states that <i>"Lot 5 fronts onto Watson Lane along the eastern boundary, which is a two-way gravel road with a default rural speed limit of 100 km/hr. Watson Lane begins at an intersection with South Coree Road and runs south then east before terminating near Jerilderie Nature Reserve."</i>

Item #	Recommendation	Response
	work, maintenance, repair or upgrade required to ensure the Lane is fit for access.	<ul style="list-style-type: none"> No upgrades are proposed to Watson Lane. It is submitted that the existing road is suitable for construction traffic, which will be comparable – in terms of size, weight, etc. – to agricultural equipment and harvest traffic, that use the shire's local roads on a regular basis as well as heavy traffic that currently accesses the existing transport depot on the adjoining land. It is expected that Council will impose a condition of consent requiring a dilapidation survey of Watson Lane prior to the start of construction, and after construction is complete.
2.3	Revise the modification report to identify how Watsons Lane will be utilised, will only a portion of the Lane be used during construction and operation or will the complete loop around the boundary of Jerilderie Nature Reserve be utilised.	<ul style="list-style-type: none"> During construction and operation, vehicles will enter Watson Lane from South Coree Road and turn right into the site. They will turn around within the site and exit via a left turn onto Watson Lane. Vehicles will not travel on the portion of Watson Lane to the south of the site entrance.
2.4	Revise the modification report to provide environmental mitigations measures that will be included in any future Construction Environmental Management Plan (CEMP) on how the stormwater drainage, erosion and sedimentation and dust suppression will be managed during construction of the solar farm to reduce impacts on Jerilderie Nature Reserve as a sensitive receiver.	<ul style="list-style-type: none"> The modification report has been revised to include an assessment against 'Developments adjacent to National Parks and Wildlife Service lands' (DPIE 2020). Mitigation measures have been proposed to reduce the potential for impacts to Jerilderie Nature Reserve.
2.5	Revise the modification report to provide for the level of works required to Watsons Lane to ensure its fit for the construction phase, as part of the CEMP and will not adversely affect Jerilderie Nature Reserve in consultation with NPWS.	No works are proposed to Watson's Lane.
2.6	Revise the modification report to confirm with the service provider that the transmission infrastructure is adequate and fit for purpose requiring no upgrade or changes to fire protection, or corridor extent or maintenance levels.	<ul style="list-style-type: none"> The proposal is for a modification to DA06-15/16. The transmission line in Watson Lane is not part of the proposal, therefore, it is not relevant to the section 4.55(2) assessment process. The applicant will require approval from Essential Energy to connect to their network. The condition of the transmission lines will be considered as part of the connection approval process.
3.1	Revise the biodiversity assessment to consider known and likely impacts (direct, indirect and cumulative) on threatened flora both on Jerilderie Nature Reserve and Watsons Lane corridor, especially associated with any works, dust generation, erosion, and use of herbicides on the development site (spray drift) etc.	The desktop Ecological Assessment included likely impacts to threatened species based on assumed presence within the project boundary. The assessment will be updated following a site inspection.
3.2	Revise the biodiversity assessment to undertake the necessary site based survey to confirm the either the absence or presence and distribution of threatened flora in this locality based on the full extent	The survey will be conducted late October 2023, as per Threatened species survey restrictions for Swainsona sericea.

Item #	Recommendation	Response
3.3	<p>of ancillary impacts attached to this proposal as it affects Jerilderie Nature Reserve, and its interface with Watson Lane.</p> <p>Revise the biodiversity assessment to recognise and confirm the known and likely distribution of the following threatened flora, and the potential impacts (direct, indirect and cumulative) on the populations on Jerilderie Nature Reserve and its interface with Watsons Lane, considering likelihood of distribution of:</p> <ol style="list-style-type: none"> Vulnerable (BC Act – EPBC Act) Red Darling Pea - Swainsona plagiotropis Vulnerable (BC Act) Silky Swainson-pea - Swainsona sericea Vulnerable (BC Act– EPBC Act) Slender Darling Pea - Swainsona murrayana Endangered (BC Act– EPBC Act) Turnip Copperburr - Sclerolaena napiformis Endangered (BC Act) Austral Pillwort - Pilularia novaehollandiae 	<ul style="list-style-type: none"> The Ecological Assessment will be updated following a site survey, which will be completed in accordance with 'Surveying Threatened Plants and Their Habitats - NSW Survey Guide for the Biodiversity Assessment Method' (DPIE, 2020). This method will determine the absence or presence and distribution of threatened flora. The survey method will be the 'two-phase grid-based systematic survey approach designed for large areas', as described in section 4.4.1 of the Survey Guide. This method involves targeted searches within 40-metre diameter plots located at the intersections of a 100-square-metre grid. For the solar farm site, this will require surveys at 13 specific plots. In addition, parallel transect searches will be undertaken in ancillary areas such as Watsons Lane. Jerilderie Nature Reserve contains several records of threatened flora species. An assessment will be undertaken to determine their current presence or absence and distribution, with particular focus on the western boundary of the reserve adjacent to Watsons Lane.
4.1	Revise the modification report to address: compliance with, and updates required to the solar farms Operational Management Plan (OMP).	<ul style="list-style-type: none"> There is currently no OEMP for the solar farm, therefore, no updates are required. CS&A expects that Council will include a condition of consent requiring the preparation of an OEMP prior to the issue of a Construction Certificate.
4.2	<p>Require the revised OMP to address:</p> <ol style="list-style-type: none"> longer term management, maintenance, or refurbishment of the solar farm including any agreed maintenance terms held with the local council for Watson Lane to ensure it remains fit for purpose as the main entry for the Lot 5 portion of the solar farm. maintenance of the landscape buffer elements to reduce the magnitude of the visual impacts of the solar farm, ensuring sight line, glare and glint issues are mitigated for Jerilderie Nature Reserve. environmental mitigations measures and implement stormwater drainage, erosion and sedimentation and dust suppression beyond the CEMP into the operational phase of the solar farm to reduce impacts on Jerilderie Nature Reserve. 	<ul style="list-style-type: none"> (a), the OEMP will include instructions on maintenance of the facility. No maintenance terms are proposed for Watson Lane. It is a public road that will remain under the management of Murrumbidgee Council. (b), Section 3.2 of the modification report contains a maintenance schedule for the landscaping. These instructions will be included in the OEMP. (c) once the facility is operational and grass has reestablished on the land, no particular management measures will be required for stormwater drainage, erosion, sedimentation, or dust suppression, other than periodical visual inspection.

Item #	Recommendation	Response
5.1	Ensure the MR and DBA are supported by a revised biodiversity assessment which includes on-ground field survey, including targeted surveys for threatened species recorded on or near the site consistent with the Department's Guidelines for carrying out a survey NSW Environment and Heritage, especially the Threatened biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft (nsw.gov.au).	The Ecological Assessment will be updated following a site survey. The assessment will consider potential impacts to Jerilderie Nature Reserve.
5.2	Ensure the MR and DBA are supported by a revised assessment of significance under Part 7.3 of the BC Act, consistent with the Department's Test of Significance (ToS) Guidelines.	The Ecological Assessment will be updated following a site survey. It will include a revised test of significance under section 7.3 of the <i>Biodiversity Conservation Act 2016</i> and a revision of the evidence that the BOS does not apply. The assessment will be consistent with the Department of Planning and Environment published Test of Significance (ToS) Guidelines.
5.3	Ensure the MR and DBA are supported by a: clear statement, with justification that the BOS does not apply to the proposal, or clearly require a BDAR be provided to support the proposed modification. Refer to the Department's About the Biodiversity Offsets Scheme NSW Environment and Heritage.	The Ecological Assessment will be updated to assess whether BOS applies to the proposal and include clear recommendations.

Should you have any further queries, please contact me on (03) 5820 7710.

Kind Regards,



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Town Planner

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Murrumbidgee Comprehensive Consolidating
Local Environmental Plan

SEPTEMBER 2023

Planning Proposal to Consolidate Murrumbidgee LEP 2013 and Jerilderie LEP 2012
Prepared on behalf of Murrumbidgee Council

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Executive Summary

This Planning Proposal has been prepared by Habitat Planning on behalf of Murrumbidgee Council to create a new consolidated comprehensive Local Environmental Plan (LEP) for the newly amalgamated Murrumbidgee Council Local Government Area (LGA), which was established on 12 May 2016.

Specifically, the Planning Proposal seeks to achieve the following:

- Consolidate and combine the *Murrumbidgee Local Environmental Plan 2013* (MLEP) and *Jerilderie Local Environmental Plan 2012* (JLEP) into a new single comprehensive LEP.
- Implement the land use planning recommendations of the recently endorsed *Murrumbidgee Land Use Plan, 2022*.
- Implement the recommendations of the *Murrumbidgee Council Heritage Review Inventory Report*.
- Correct a number of identified anomalies and errors that exist in both existing LEPs and ensure consistency between the current LEP's.
- To ensure that the new consolidated LEP is consistent with current day planning requirements.

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 & Environment's guideline titled: *Local Environmental Plan Making Guideline (December 2021)*.

For the purposes of the Guideline, the application is classified as a 'Principal' Planning Proposal as it seeks:

- *To create a new LEP that applies to the whole LGA*
- *To implement a change in local policy that effects the LGA*
- *To consolidate one or more LEPs into a new comprehensive LEP*
- *To include multiple 'housekeeping' amendments or a combination of a number of planning proposals*

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 Murrumbidgee including the recently endorsed Murrumbidgee Land Use Plan.
- The proposal seeks to consolidate the two LEPs that currently apply to the former Murrumbidgee and Jerilderie Shire areas and ensures a consistent approach to planning across the new Murrumbidgee LGA.
- The proposal seeks to cater for predicted population and economic growth of the LGA.
- The proposal seeks to preserve areas of environmental significance and update the heritage schedules and maps of the LEP by implementing the recommendations of the *Murrumbidgee Council Heritage Review Inventory Report*.
- The proposal seeks to ensure consistency with current-day planning requirements.
- The resultant changes are not expected to create any adverse impacts in terms of environmental, social or infrastructure provision.

It is recommended that Murrumbidgee Council resolve to support the changes to the LEP as detailed in this Planning Proposal and forward it to the NSW Department of Planning and Environment for a Gateway Determination.

1. Introduction

1.1. Overview

This Planning Proposal has been prepared by Habitat Planning on behalf of Murrumbidgee Council to create a new consolidated comprehensive Local Environmental Plan (LEP) for the newly amalgamated Murrumbidgee Council Local Government Area (LGA), which was established on 12 May 2016.

Specifically, the Planning Proposal seeks to achieve the following:

- Consolidate and combine the *Murrumbidgee Local Environmental Plan 2013* (MLEP) and *Jerilderie Local Environmental Plan 2012* (JLEP) into a new single comprehensive LEP.
- Implement the land use planning recommendations of the recently endorsed *Murrumbidgee Land Use Plan, 2022*.
- Implement the recommendations of the *Murrumbidgee Council Heritage Review Inventory Report*.
- Correct a number of identified anomalies and errors that exist in both existing LEPs and ensure consistency between the current LEP's.
- To ensure that the new consolidated LEP is consistent with current day planning requirements.

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 & Environment's guideline titled: *Local Environmental Plan Making Guideline (December 2021)*.

For the purposes of the Guideline, the application is classified as a 'Principal' Planning Proposal as it creates a new LEP that applies to the whole LGA, seeks to consolidate one or more LEPs into a new comprehensive LEP and seeks to incorporate multiple housekeeping amendments.

This report will demonstrate that the proposed amendments are consistent with the intent and objectives of the planning framework and strategic plans and policies. Consequently, this will provide the NSW Department of Planning and Environment (DPE) with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

It is requested that the Planning Proposal be referred to the Minister for Gateway Determination in accordance with Section 3.34 of the EP&A Act. The Gateway Determination by the Minister will decide:

- Whether the matter should proceed (with or without variation).
- Any necessary technical studies or supporting studies.
- Whether the planning proposal needs to be amended (and possibly resubmitted to the Department) prior to exhibition.
- The duration and extent of community consultation.
- Whether consultation with State or federal authorities (if required).
- Whether a local contributions plan is to be exhibited at the same time as the planning proposal.
- Whether a public hearing is needed.
- The timeframes within which the various stages of the process for making of the proposed LEP are to be completed.
- Whether the council is to be authorised to make the proposed instrument as the Local Plan Making Authority (LPMA).
- Any other conditions.

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 consistent with the Department of Planning & Environment's guideline titled: *Local Environmental Plan Making Guideline*:

- Section 1.0 – Introduction.
- Section 2.0 – Objectives and intended outcomes.
- Section 3.0 – Explanation of the provisions.
- Section 4.0 – Justification.
- Section 5.0 – Mapping.
- Section 6.0 – Community consultation.
- Section 7.0 – Project timeline.
- Section 8.0 – Conclusions and recommendations.

1.3. Supporting Plans and Documentation

The Planning Proposal has been prepared with input from a number of technical studies and assessments which have been prepared to accompany the request. 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	Murrumbidgee Land Use Plan (Including SEPP and Section 9.1 Assessment Tables)	Habitat Planning
B	Murrumbidgee Council Heritage Review Inventory Report	Heritage Archaeology Noel Thomson and Peter Kabaila
C	Murrumbidgee Aboriginal Cultural Heritage Review	AREA Environmental & Heritage Consultants
D	Murrumbidgee Biodiversity Constraints Analysis	AREA Environmental & Heritage Consultants
E	Compliance Table – Riverina Murray Regional Plan 2041	Habitat Planning
F	Comparison Land Use Tables & Local Provisions	Habitat Planning
G	Supply and Demand Analysis	Habitat Planning
H	Murrumbidgee Floodplain Risk Management Study and Plan	Catchment Simulation Solutions
I	Jerilderie Flood Study	GHD
J	Park Homestead Site Historical Heritage Assessment & Heritage Impact Statement	Black Mountain Projects

2. Objectives and Intended Outcomes

The objectives of this Planning Proposal are to consolidate and combine the *Murrumbidgee Local Environmental Plan 2013* (MLEP) and *Jerilderie Local Environmental Plan 2012* (JLEP) into a new single comprehensive LEP.

The specific objectives and intended outcomes of the Planning Proposal are to:

- a. Consolidate and combine the *Murrumbidgee Local Environmental Plan 2013* (MLEP) and *Jerilderie Local Environmental Plan 2012* (JLEP) into a new single comprehensive LEP.
- b. Implement the land use planning recommendations of the recently endorsed *Murrumbidgee Land Use Plan, 2022*.
- c. Implement the recommendations of the *Murrumbidgee Council Heritage Review Inventory Report*.
- d. Correct a number of identified anomalies and errors that exist in both existing LEPs and ensure consistency between the current LEP's.
- e. To ensure that that the new consolidated LEP is consistent with current day planning requirements.

3. Explanation of Provisions

The intended outcomes of the Planning Proposal discussed above and within this report will be achieved as outlined below.

3.1. Consolidation of LEPs

The Planning Proposal seeks to consolidate the following LEP's that currently apply to the Murrumbidgee LGA into a single comprehensive LEP:

- *Murrumbidgee Local Environmental Plan 2013 (MLEP)*; and
- *Jerilderie Local Environmental Plan 2012 (JLEP)*.

The Planning Proposal also seeks to ensure consistency between the different provisions contained within these individual LEP's and the NSW Standard Instrument as outlined below.

3.2. Land Zoning and Minimum Lot Size Changes

The Planning Proposal seeks to implement the recommendation of the Murrumbidgee Land Use Plan including associated changes to both the Land Zoning and Minimum Lot Size Maps of the LEP.

Details regarding specific amendments sought by this Planning Proposal are outlined below.

3.3. Inclusion of Additional Model Clauses and Local Provisions

The Planning Proposal seeks to adopt a number of existing Standard Instrument model clauses that have not been adopted in either existing LEP as follows:

- Clause 5.5 – Controls relating to secondary dwellings on land in a rural zone.
- Clause 5.9 – Dwelling houses or secondary dwelling affected by natural disaster.
- Clause 5.24 – Farm stay accommodation.
- Clause 5.25 – Farm gate premises.

The Planning Proposal also seeks to introduce a number of new local provisions that are based on similar clauses contained in other LEP's that achieve the following:

- Development on river front land (to be applied to the former Jerilderie area consistent with the provisions of the existing MLEP).
- Exceptions to minimum lot sizes for certain rural subdivisions.
- Boundary adjustments of certain rural and environmental land.

3.4. Amendment to Schedule 5 & Heritage Maps

It is proposed to amend Schedule 5 of the LEP by updating and inserting a number of new items consistent with the recommendations of the *Murrumbidgee Council Heritage Review Inventory Report*.

See below for further details.

3.5. Part 1 – Preliminary

Part 1 of the consolidated LEP will cover a range of preliminary matters including the overall aims of the Plan; where the Plan applies; relationships with other instruments as well as transitional arrangements.

A summary of the key issues is provided below:

Please note: Reference to any specific wording within a clause is draft only and subject to change. The wording provided below has been provided to help assist in explaining the proposed intent/changes sought by the Planning Proposal and will be subject to confirmation as part of the finalisation of the amendment.

Table 2 – Summary of Preliminary Clauses

Clause No.	Clause Title	Details
1.1	Name of Plan	The new LEP is proposed to be titled (pending gazettal date): <ul style="list-style-type: none"> <i>Murrumbidgee Local Environmental Plan 2024</i>
1.1AA	Commencement	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
1.2	Aims of Plan	The aims of the Plan contained at Clause 1.2(2) will be retained in their current format as they are identical with the exception of Clause 1.2(2)(a). The subject Planning Proposal seeks to adopt the wording of Clause 1.2(2)(a) of the MLEP as it provides stronger wording with regards to the protection of agriculture as follows: <i>(a) to protect, enhance and conserve agricultural and horticultural land through the proper management, development and conservation of natural and man-made resources,</i>
1.3	Land to which Plan applies	The LEP is proposed to apply to the entire newly amalgamated Murrumbidgee Local Government Area (LGA).
1.4	Definitions	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
1.5	Notes	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.

1.6	Consent authority	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
1.7	Maps	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
1.8	Repeal of planning instruments applying to land	<p>Update this clause to repeal the following LEPs:</p> <ul style="list-style-type: none"> ▪ <i>Murrumbidgee Local Environmental Plan 2013</i> ▪ <i>Jerilderie Local Environmental Plan 2012</i>
1.8A	Savings provision relating to development applications	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
1.9	Application of SEPPs	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
1.9A	Suspension of covenants, agreements and instruments	<p>No change.</p> <p>Retain same wording as JLEP and MLEP, which are identical.</p>

3.6. Part 2 – Permitted or prohibited development

Part 2 of the consolidated LEP will cover the land use zones, the zone objectives and the permitted or prohibited development within each of the land use zones.

A summary of the key issues is provided below:

Table 3 – Summary of Permitted or Prohibited Development Clauses

Clause No.	Clause Title	Details
2.1	Land Use Zones	<p>The new LEP will retain the same land use zones as MLEP and JLEP with the inclusion of the following new zones proposed as part of the Employment Zones Reform:</p> <ul style="list-style-type: none"> ▪ <i>E3 Productivity Support</i> (introduced via recommendations of the Murrumbidgee Land Use Strategy) ▪ <i>E4 General Industrial</i> (translation from IN1 General Industrial Zone) <p>Furthermore, the consolidated LEP will apply both the C3 Environmental Management Zone and W2 Recreational Waterways Zone to the entire LGA, which are currently only contained within MLEP.</p>
2.2	Zoning of land to which Plan applies	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
2.3	Zone objectives and Land Use Table	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
2.4	Unzoned land	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
2.5	Additional permitted uses for particular land	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
2.6	Subdivision – consent requirements	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>

2.7	Demolition requires development consent	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
2.8	Temporary use of land	<p>Retain same Standard Instrument wording as currently contained within both the MLEP and JLEP, however increase the maximum period that a temporary use can operate from 52 days to 104 days as follows:</p> <p><i>(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 104 days (whether or not consecutive days) in any period of 12 months.</i></p> <p><u>Note:</u> both the MLEP and JLEP currently set the same maximum period for a temporary use, being 52 days as per the Standard Instrument.</p>
2.9	Canal estate development prohibited	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>

3.7. Land Use Tables

The Land use tables outline the objectives of the zone; as well as those developments that are permitted without consent, permitted with consent and prohibited.

A comparative analysis has been undertaken of the existing land use tables contained within MLEP and JLEP, as well as general review of the land use zoning provisions of each of the land use zones consistent with current day planning trends and other comparable Councils.

A copy of this assessment is contained in **Appendix C**.

A summary of the revised land use tables and justification for the changes is provided below. Please note that any proposed changes from either the MLEP or JLEP are shown in **red** to assist in understanding.

It is noted that for the most part, the more flexible of the two existing Land Use Tables has been adopted.

Zone RU1 Primary Production

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Drafting Note:

No change, retain Standard Instrument objectives contained in both MLEP and JLEP.

2 Permitted without consent

Environmental protection works; Extensive agriculture; **Home-based child care**; Home occupations; **Intensive plant agriculture**; Roads; Water reticulation systems.

Drafting Note:

The revised land use table for the RU1 zone seeks to include the following items as permitted without consent at Item 2:

- *Home-based child care;*
- *Intensive plant agriculture;*

The inclusion of these land uses at Item 2 adopts the more flexible controls of the existing MLEP & JLEP.

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; **Backpackers' accommodation**; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; **Caravan parks**; Cellar door premises; **Cemeteries**; Community facilities; Correctional centres; Depots; **Dual occupancies (attached)**; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Helipads; Home businesses; Home industries; **Home occupations (sex services)**; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures; Water supply systems

Drafting Note:

The revised land use table for the RU1 zone seeks to include the following items as permitted with consent at Item 3:

- *Backpackers' accommodation;*
- *Caravan parks;*
- *Cemeteries;*
- *Dual occupancies (attached);*
- *Home occupations (sex services).*

The inclusion of these land uses at Item 3 reflects the most flexible controls of MELP and JLEP with the exception of dual occupancies (attached) which seek to restrict the construction of separate detached permanent dwellings in the RU1 zone, which is currently permitted in JLEP.

The restriction on dual occupancies to detached only is considered more appropriate for the RU1 zone to protect the ongoing agricultural viability of land.

4 Prohibited

Any development not specified in item 2 or 3

Drafting Note:

No change.

Zone RU3 Forestry

1 Objectives of zone

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

Drafting Note:

No change, retain Standard Instrument objectives contained in both MLEP and JLEP.

2 Permitted without consent

Roads; Uses authorised under the *Forestry Act 2012* or under Part 5B (Private native forestry) of the *Local Land Services Act 2013*

Drafting Note:

No change.

3 Permitted with consent

Aquaculture; Flood mitigation works

Drafting Note:

The revised land use table for the RU3 zone seeks to include flood mitigation works as permitted without consent at Item 2 consistent with the current controls of MLEP to ensure greater flexibility.

This also reflects the fact that certain RU3 zoned land in the LGA is flood prone.

4 Prohibited

Any development not specified in item 2 or 3

Drafting Note:

No change.

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure that development in village areas is compatible with the environmental capability of the land.
- To retain and facilitate the expansion and redevelopment of the existing central business districts of Darlington Point, Coleambally and Jerilderie and to further strengthen the core retail functions of these areas.

Drafting Note:

Adopt the additional RU5 objectives contained within the existing MLEP to provide greater direction for development within this zone. It is noted however that the third dot point has been adjusted from MLEP to include a reference to Jerilderie.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems

Drafting Note:

The revised land use table for the RU5 zone seeks to include *Home-based child cares* at Item 2.

This recommendation adopts the more flexible controls of the existing MLEP and JLEP.

3 Permitted with consent

Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

Drafting Note:

No change to existing permitted uses under JLEP and MLEP with the exception that liquid fuel depots are proposed to be prohibited in this zone.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Cellar door premises; Electricity generating works; **Extractive industries**; Farm buildings; Farm stay accommodation; Forestry; **General industries**; Heavy industrial storage establishments; Heavy industries; **Open cut mining**; **Restriction facilities**; Rural industries; Rural workers' dwellings; **Sewerage systems**; **underground mining**; **Waste or resource management facilities**

Drafting Note:

The revised land use table for the RU5 zone seeks to restrict a number of industrial and related activities that may create amenity issues within the RU5 zone consistent with the current controls of the MLEP and JLEP, as well as other comparable regional Councils.

Zone R5 Large Lot Residential

1 Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Drafting Note:

No change, retain Standard Instrument objectives contained in both MLEP and JLEP.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations; Roads; Water reticulation systems

Drafting Note:

No change.

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Dwelling houses; Home industries; Oyster aquaculture; Pond-based aquaculture; Roadside stalls; Tank-based aquaculture; **Any other development not specified in item 2 or 4**

Drafting Note:

The revised land use table for the R5 zone has adopted the more flexible 'open zone' approach of MLEP.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boarding houses; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Hostels; Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

Drafting Note:

Retain similar list of prohibitions to MLEP with the exception of attached dwellings, seniors housing and semi-detached housing that are proposed as permitted with consent as 'any other development'.

This list differs from the closed zone of JLEP.

Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

Drafting Note:

The zone objectives are as per the requirements of the new Standard Instrument E4 General Industrial zone.

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

Drafting Note:

No change.

3 Permitted with consent

Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; **Goods repair and reuse premises**; Hardware and building supplies; **Industrial retail outlets**; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; **Local distribution premises**; Neighbourhood shops; Oyster aquaculture; Places of public worship; Rural supplies; **Take away food and drink premises**; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

Drafting Note:

Retain similar uses to JLEP and MLEP, however remove food and drink premises as a permitted land use as it is more appropriate to encourage takeaway premises or artisan food and drink premises instead in this zone.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; **Jetties**; Marinas; Mooring pens; Moorings; Pond-based aquaculture; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; **Water recreation structures**

Drafting Note:

Retain similar uses and ensure consistency between JLEP and MLEP.

Zone SP2 Infrastructure

1 Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Drafting Note:

No change from Standard Instrument objectives and existing objectives from JLEP and MLEP.

2 Permitted without consent

Roads

Drafting Note:

No change.

3 Permitted with consent

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

Drafting Note:

No change from existing JLEP and MLEP.

4 Prohibited

Any development not specified in item 2 or 3

Drafting Note:

Retain same wording as MLEP noting that JLEP includes the word 'other'.

Zone RE1 Public Recreation

1 Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Drafting Note:

No change from Standard Instrument objectives and existing objectives from JLEP and MLEP.

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

Drafting Note:

No change from existing JLEP and MLEP.

3 Permitted with consent

Aquaculture; Boat launching ramps; **Boat sheds**; Building identification signs; Business identification signs; **Camping grounds**; **Caravan parks**; **Centre-based child care facilities**; **Charter and tourism boating facilities**; Community facilities; **Emergency services facilities**; Environmental facilities; **Flood mitigation works**; **Heliports**; **Information and education facilities**; **Jetties**; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); **Water recreation structures**; **Water recycling facilities**; **Water storage facilities**

Drafting Note:

Retain similar uses and ensure consistency between JLEP and MLEP.

4 Prohibited

Any development not specified in item 2 or 3

Drafting Note:

No change from existing JLEP and MLEP.

Zone RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

Drafting Note:

No change from SI objectives and existing objectives from JLEP and MLEP.

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

Drafting Note:

No change from existing JLEP and MLEP.

3 Permitted with consent

Amusement centres; Aquaculture; **Camping grounds; Caravan parks; Centre-based child care facilities;** Community facilities; Eco-tourist facilities; Entertainment facilities; Environmental facilities; **Flood mitigation works;** Food and drink premises; Function centres; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; **Respite day care centres; Seniors housing;** Signage; Tourist and visitor accommodation; **Water recreation structures; Water recycling facilities; Water supply systems**

Drafting Note:

Adopt more flexible provisions of MLEP.

4 Prohibited

Farm stay accommodation; Any other development not specified in item 2 or 3

Drafting Note:

No change from existing JLEP and MLEP.

Zone C1 National Parks and Nature Reserves

1 Objectives of zone

- *To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act.*
- *To enable uses authorised under the National Parks and Wildlife Act 1974.*
- *To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land.*

Drafting Note:

No change from Standard Instrument objectives and existing objectives from JLEP and MLEP.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

Drafting Note:

No change from existing JLEP and MLEP.

3 Permitted with consent

Nil.

Drafting Note:

No change from existing JLEP and MLEP.

4 Prohibited

Any other development not specified in item 2 or 3

Drafting Note:

No change from existing JLEP and MLEP.

Zone C3 Environmental Management

1 Objectives of zone

- *To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act.*
- *To enable uses authorised under the National Parks and Wildlife Act 1974.*
- *To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land.*

Drafting Note:

No change from Standard Instrument objectives and existing objectives from MLEP.

Note: The C3 zone currently does not apply to JLEP.

2 Permitted without consent

Extensive agriculture; Home occupations; Water reticulation systems

Drafting Note:

No change from existing MLEP.

3 Permitted with consent

Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Jetties; Oyster aquaculture; Pond-based aquaculture; Roads; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems

Drafting Note:

Adopt same land uses as current MLEP with the exception of helipads, which has been removed as permitted with consent.

4 Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Drafting Note:

No change from existing JLEP and Standard Instrument.

Zone W1 Natural Waterways

1 Objectives of zone

- *To protect the ecological and scenic values of natural waterways.*
- *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- *To provide for sustainable fishing industries and recreational fishing.*

Drafting Note:

No change from Standard Instrument objectives and existing objectives from MLEP and JLEP.

2 Permitted without consent

Nil.

Drafting Note:

No change from existing MLEP and JLEP.

3 Permitted with consent

Aquaculture Boat launching ramps; Boat sheds; **Building identification signs; Business identification signs; Emergency services facilities;** Environmental facilities; Environmental protection works; **Flood mitigation works;** Jetties; **Mooring pens; Moorings; Recreation areas; Research stations;** Roads; **Water recreation structures;** Water recycling facilities; Water supply systems; **Wharf or boating facilities**

Drafting Note:

Adopt more flexible provisions of MLEP.

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Drafting Note:

No change from existing MLEP and JLEP.

Zone W2 Recreational Waterways

1 Objectives of zone

- *To protect the ecological, scenic and recreation values of recreational waterways.*
- *To allow for water-based recreation and related uses.*
- *To provide for sustainable fishing industries and recreational fishing.*

Drafting Note:

No change from Standard Instrument objectives and existing objectives from MLEP.

Note: The W2 zone currently does not apply to JLEP.

2 Permitted without consent

Nil.

Drafting Note:

No change from existing MLEP.

3 Permitted with consent

Aquaculture Boat launching ramps; Boat sheds; **Building identification signs; Business identification signs; Emergency services facilities;** Environmental facilities; Environmental protection works; **Flood mitigation works;** Jetties; **Mooring pens; Moorings; Recreation areas; Research stations;** Roads; **Water recreation structures;** Water recycling facilities; Water supply systems; **Wharf or boating facilities**

Drafting Note:

No change from existing MLEP with the exception of the removal of heliports and takeaway food and drink premises as permitted with consent.

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Drafting Note:

No change from existing MLEP

3.8. Part 3 – Exempt and Complying Development

Part 3 of the consolidated LEP will identify the circumstances when development can be undertaken without consent (exempt development) and as complying development.

It is noted that at the time of preparing the MLEP and JLEP both Schedules 2 and 3 of these LEPs were blank.

A summary of the key issues is provided below:

Table 4 – Summary of Exempt and Complying Development Clauses

Clause No.	Clause Title	Details
3.1	Exempt development	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
3.2	Complying development	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
3.3	Environmentally sensitive areas excluded	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.

3.9. Part 4 – Principal Development Standards

Part 4 of the consolidated MLEP will cover the development standards for minimum subdivision sizes, rural subdivision and erection of dwellings in certain rural and environmental protection zones. This part will also identify circumstances when the development standards may be altered or varied.

A comparative analysis has been undertaken of existing principal development standards contained within MLEP and JLEP. A copy of this assessment is contained in **Appendix C**.

Please note: Reference to any specific wording within a clause is draft only and subject to change. The wording provided below has been provided to help assist in explaining the proposed intent/changes sought by the Planning Proposal and will be subject to confirmation as part of the finalisation of the amendment.

A summary of the key issues is provided below:

Clause 4.1 – Minimum Subdivision Lot Size

(1) *The objectives of this clause are as follows—*

- (a) to maintain and protect the productive capacity of rural lands by preventing the fragmentation of rural land,*
- (b) to ensure lots are of a shape and size to accommodate future development,*
- (c) to encourage a diversity of lot sizes, housing forms and densities in residential zones,*
- (d) to facilitate the sustainable and economic servicing of future subdivision.*
- (e) to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services.*

(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

(4) *This clause does not apply in relation to the subdivision of any land—*

- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
- (b) by any kind of subdivision under the Community Land Development Act 2021.*

Drafting Note:

The amended Clause 4.1 seeks to combine the objectives contained in subclause (1) of both the MLEP and JLEP. It is noted that the revised clause removes reference to objective (1)(d) of the JLEP, which relates to the role that Coleambally Irrigation plays in promoting intensive plant agriculture. This objective has been removed as it has no relevance to minimum subdivision lot sizes.

Site specific requirements contained in subclauses (4A) have also been removed as the revised LEP does not rely on any site specific minimum lot sizes for certain land.

See Appendix C for further details.

Clause 4.1AA – Minimum subdivision lot size for community title schemes

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.*
- (2) *This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 2021 of land in any of the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone R5 Large Lot Residential,*
 - (c) *Zone C3 Environmental Management,**but does not apply to a subdivision by the registration of a strata plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 2021) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) *This clause applies despite clause 4.1.*

Drafting Note:

The wording of this clause has been adjusted to include reference to the R5 zone and C3 zone consistent with the provisions of the existing MLEP.

Clause 4.2 – Rural Subdivision

- (1) *The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*
- (2) *This clause applies to the following rural zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape,*
 - (baa) *Zone RU3 Forestry,*
 - (c) *Zone RU4 Primary Production Small Lots,*
 - (d) *Zone RU6 Transition.*
- Note—**
When this Plan was made it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.
- (3) *Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) *However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
- (5) *A dwelling cannot be erected on such a lot.*

Note—

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

Drafting Note:

The wording of this clause has been adjusted to provide specific references to zones not adopted by the Plan consistent with the provisions of the existing JLEP.

Clause 4.2A – Minimum subdivision lot sizes for strata plan schemes in certain rural, conservation and residential zone

- (1) *The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.*
- (2) *This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone R5 Large Lot Residential,*
 - (c) *Zone C3 Environmental Management.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Note—

Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.

Drafting Note:

The new consolidated LEP seeks to adopt this clause and contains the same wording as MLEP.

It is noted that a similar clause is currently contained in JLEP, although it only includes reference to the RU1 zone.

Clause 4.2AA – Rural subdivision for intensive plant agriculture

No change, retain same wording of Clause 4.2A of the existing MLEP.

Drafting Note:

The new consolidated LEP seeks to adopt this clause and contains the same wording as MLEP. See Appendix C for a copy of the full wording.

It is noted that no such clause currently exists in JLEP.

Please note that this clause has been re-numbered

Clause 4.2B – Erection of dwelling houses or dual occupancies on land in certain rural and conservation zones

- (1) *The objectives of this clause are as follows—*
- (a) *to minimise unplanned rural residential development,*
 - (b) *to enable the replacement of lawfully erected dwelling houses in rural zones.*
- (2) *This clause applies to land in the following zones—*
- (a) *Zone RU1 Primary Production,*
 - (b) *Zone C3 Environmental Management.*
- (3) *Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house has been erected, unless the land is—*
- (a) *a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or*
 - (b) *a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*
 - (c) *a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.*

Note—

A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) *Despite subclause (3), development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if—*
- (a) *there is a lawfully erected dwelling house or a dual occupancy on the land and the dwelling house or a dual occupancy to be erected is intended only to replace the existing dwelling house or a dual occupancy, or*
 - (b) *the land would have been a lot referred to in subclause (3) had it not been affected by—*
 - (i) *a minor realignment of its boundaries that did not create an additional lot, or*
 - (ii) *a subdivision creating or widening a public road or public reserve or for another public purpose.*

Drafting Note:

The new consolidated LEP seeks to adopt similar wording to Clause 4.2B of JLEP, except it also seeks to apply to the C3 Environmental Management zone, which may contain several existing vacant landholdings with a dwelling entitlement.

This above clause has been chosen over Clause 4.2C of MLEP as the wording is simpler to understand and does not contain a 'sunset' clause.

It is noted however that the above clause does not apply to the R5 Large Lot Residential zone as the minimum lot size within this zone is much smaller than the RU1 and C3 zone. It is not expected that there are any vacant existing holdings contained within this zone that warrant its inclusion within this clause.

4.2C – Erection of rural workers' dwellings on land in Zone RU1 Primary Production

- (1) *The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.*
- (2) *This clause applies to land in Zone RU1 Primary Production.*
- (3) *Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—*
 - (a) *the development will be on the same lot as an existing lawfully erected dwelling house, and*
 - (b) *the development will not impair the use of the land for agricultural or rural industries, and*
 - (c) *the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and*
 - (d) *the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.*

Drafting Note:

Retain current wording of existing JLEP and MLEP clauses except include the words 'primary production' in the heading consistent with JLEP.

4.2D – Exceptions to minimum lot sizes for certain rural subdivisions

- (1) *The objective of this clause is to enable the subdivision of land in certain rural areas to an appropriate size to meet the needs of current permissible uses other than for the purposes of dwelling houses or dual occupancies.*
- (2) *This clause applies to land in Zone RU1 Primary Production.*
- (3) *Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than for a dwelling house or a dual occupancy) permitted under the existing development consent for the land.*
- (4) *Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—*
 - (a) *the subdivision will not adversely affect the use of the surrounding land for agriculture, and*
 - (b) *the subdivision is necessary for the ongoing operation of the permissible use, and*
 - (c) *the subdivision will not increase rural land use conflict in the locality, and*
 - (d) *the subdivision is appropriate having regard to the natural and physical constraints affecting the land.*

Drafting Note:

The Planning Proposal seeks to introduce a new local provision to allow for exceptions to minimum lot sizes for certain rural subdivisions to allow for greater flexibility in the rural zones of the LGA whilst still avoiding opportunities to erect dwelling houses and dual occupancies on undersized lots.

The draft LEP contains a range of land uses that are permitted with consent in the RU1 zone. In recognition of the 200ha minimum lot size that applies to this zone, there are instances where the future development of land is restricted due to the need to comply with the minimum lot size requirements of the LEP. For this reason, the LEP seeks to introduce a new clause similar to Clause 4.2C of the Albury LEP.

Please note that the wording of this clause is draft only and subject to change.

4.2D – Boundary adjustments in certain rural and conservation zones

- (1) *The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (c) *Zone C3 Environmental Management.*
- (3) *Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more of the lots created by the subdivision do not meet the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that—*
 - (a) *the subdivision will not create additional lots, and*
 - (b) *the number of dwelling houses or opportunities for dwelling houses on each lot after the subdivision will remain the same as before the subdivision, and*
 - (c) *the potential for land use conflict will not be increased as a result of the subdivision, and*
 - (d) *if the land is in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and*
 - (e) *if the land is in Zone C3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and*
 - (f) *the subdivision will not result in any increased bush fire risk to existing buildings.*
- (4) *Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—*
 - (a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*
 - (b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - (c) *whether or not the subdivision is likely to be incompatible with a land use on any adjoining land,*
 - (d) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
 - (e) *whether or not the subdivision is likely to have a significant adverse impact on the environmental values of the land.*
- (5) *This clause does not apply—*
 - (a) *in relation to the subdivision of lots in a strata plan or community title scheme, or*
 - (b) *if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.*

Drafting Note:

The Planning Proposal seeks to introduce a new local provision to allow for exceptions to minimum lot sizes for boundary adjustments in the RU1 and C3 zones to allow for greater flexibility whilst still avoiding opportunities to erect dwelling houses and dual occupancies on undersized lots.

In recognition of the large minimum lot size that applies to this land and the fact that many landholdings are currently fragmented, the proposed clause will allow for adjustments between landholdings. For this reason, the LEP seeks to introduce a new clause similar to Clause 4.2D of the Murray LEP and Clause 4.2E of the Narromine LEP.

Please note that the wording of this clause is draft only and subject to change.

4.2E Exceptions to minimum lot sizes for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) This clause applies to land in Zone RU5 Village.*
- (3) Despite clause 4.1, development consent may be granted to a single development application for—*
 - (a) the erection of 1 or 2 dwellings, and*
 - (b) the subdivision of the land into 2 lots that each are less than the minimum size shown on the Lot Size Map in relation to the land but not less than 300 square metres.*
- (4) Despite clause 4.1, development consent may be granted to a development application for the subdivision of land into 2 lots that are each less than the minimum size shown on the Lot Size Map if the land contains an existing dual occupancy.*
- (5) Despite clause 4.1, development consent may be granted to a single development application for—*
 - (a) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house, and*
 - (b) the subdivision of the land into 3 or more lots that each are less than the minimum size shown on the Lot Size Map in relation to the land but not less than 300 square metres and each have a frontage to a road.*
- (6) Development consent may not be granted under this clause if it results in more than one dwelling on each lot resulting from the subdivision.*
- (7) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included when calculating the size of the lot for the purposes of this clause.*

Drafting Note:

The Planning Proposal seeks to introduce a new local provision to allow for exceptions to minimum lot sizes for dual occupancies and multi dwelling housing developments in the RU5 Village Zone.

It is noted that at present, a minimum subdivision lot size of 600m² applies to the RU5 Village zone. Whilst this minimum lot size has historically applied to these areas, the application of this minimum lot size is discouraging, and in some instances, preventing infill development from occurring within the main urban centres of Darlington Point, Coleambally and Jerilderie.

Whilst it is acknowledged that development for the purposes of community title and strata title subdivisions do provide some flexibility in this zone by allowing for the subdivision of land less than 600m², torrens title subdivision less than the minimum is prohibited.

Given that the average lot size of land within these townships is 1,000m², the current 600m² minimum lot size does not allow for the subdivision of existing landholdings, without having to apply as part of a community title or strata title subdivision.

Consequently, in order to achieve some consistency between torrens title, community title and strata title subdivisions, as well as encouraging infill development, the Planning Proposal recommends adopting the above local provision to allow for the submission of a concurrent Development Application for the subdivision of land and construction of dwellings on land less than 600m².

Please note that the wording of this clause is draft only and subject to change.

Clause 4.3 – Height of Building

Clause not to be adopted as the LEP does not contain a Height of Buildings Map.

Drafting Note:

This clause has not been adopted in either MLEP or JLEP.

Clause 4.4 – Floor Space Ratio

Clause not to be adopted as the LEP does not contain a Floor Space Ratio Map.

Drafting Note:

This clause has not been adopted in either MLEP or JLEP.

Clause 4.5 – Calculation of Floor Space Ratio and Site Area

Clause not to be adopted as the LEP does not contain a Floor Space Ratio Map.

Drafting Note:

This clause has not been adopted in either MLEP or JLEP.

Clause 4.6 – Exceptions to Development Standards

No change, retain same wording as contained within MLEP and JLEP.

Drafting Note:

Retain Standard Instrument wording.

Note, no additional exclusions have been added.

3.10. Part 5 – Miscellaneous Provisions

Part 5 of the consolidated MLEP will cover miscellaneous provisions including acquisition for public purposes, classification of public land, controls relating to specific land uses, development near zone boundaries, conversion of fire alarms, heritage conservation and bushfire hazard reduction.

Table 5 below provides a summary of the clauses contained within this part of the LEP.

Table 5 – Summary of Miscellaneous Provisions

Clause No.	Clause Title	Details
5.1	Relevant acquisition authority	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.2	Classification and reclassification of public land	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.3	Development near zone boundaries	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.4	Controls relating to miscellaneous permissible uses	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's with the exception of the size area of roadside stalls at subclause (8), which is proposed to be limited 30 square metres as per JLEP. This approach is more flexible than MLEP, which sets a maximum size area of 20 square metres for roadside stalls.
5.5	Controls relating to secondary dwellings on land in a rural zone	Adopt the wording of Clause 5.5 of MLEP as follows: <i>If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—</i> <i>(a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—</i> <i>(i) 120 square metres,</i> <i>(ii) 50% of the total floor area of the principal dwelling, and</i> <i>(b) the distance between the secondary dwelling and the principal dwelling must not exceed 150 metres.</i> It is noted that the same clause has not been adopted in JLEP.

5.6	Architectural roof features	Not adopted in either JLEP or MLEP. This clause will remain blank in the new consolidated LEP.
5.7	Development below mean high water mark	Not adopted in either JLEP or MLEP. This clause will remain blank in the new consolidated LEP.
5.8	Conversion of fire alarms	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.9	Dwelling house or secondary dwelling affected by natural disaster	<p>This clause has not been adopted in either JLEP or MLEP.</p> <p>Notwithstanding, this Standard Instrument clause is proposed to be included as part of the LEP to provide greater flexibility in planning following natural disasters.</p> <p>The wording of this clause is the same as the Standard Instrument with the exception of inclusion of the following zones:</p> <p>(1) <i>The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.</i></p> <p>(2) <i>This clause applies to land in the following zones—</i></p> <p style="padding-left: 40px;"><i>(a) RU1 Primary Production,</i></p> <p style="padding-left: 40px;"><i>(b) C3 Environmental Management.</i></p> <p>(3) <i>Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—</i></p> <p style="padding-left: 40px;"><i>(a) the dwelling house or secondary dwelling was lawfully erected, and</i></p> <p style="padding-left: 40px;"><i>(b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.</i></p>
5.9AA	Repealed	This clause will remain blank consistent with the Standard Instrument.
5.10	Heritage Conservation	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p> <p>It is noted however that this clause will reference the newly amalgamated Murrumbidgee LGA.</p>

5.11	Bush fire hazard reduction	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.12	Infrastructure development and use of existing buildings of the Crown	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.13	Eco-tourist facilities	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.14	Siding Spring Observatory—maintaining dark sky	Not adopted in either JLEP or MLEP. This clause will remain blank in the new consolidated LEP.
5.15	Defence communications facility	Not adopted in either JLEP or MLEP. This clause will remain blank in the new consolidated LEP.
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.18	Intensive livestock agriculture	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.19	Pond-based, tank-based and oyster aquaculture	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.
5.20	Standards that cannot be used to refuse consent—playing and performing music	No change. Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.

5.21	Flood planning	<p>No change.</p> <p>Retain same wording as Standard Instrument clauses contained in both pre-existing LEP's.</p>
5.22	Special flood considerations	<p>Not adopted in either JLEP or MLEP.</p> <p>This clause will remain blank in the new consolidated LEP.</p>
5.23	Public bushland	<p>Not adopted in either JLEP or MLEP.</p> <p>This clause will remain blank in the new consolidated LEP.</p>
5.24	Farm stay accommodation	<p>It is recommended to adopt and introduce the Standard Instrument clause for farm stay accommodation into the new consolidated LEP.</p> <p>It is noted that no changes are proposed to the standard wording of this clause.</p>
5.25	Farm gate premises	<p>It is recommended to adopt and introduce the Standard Instrument clause for farm gate premises into the new consolidated LEP.</p> <p>It is noted that no changes are proposed to the standard wording of this clause.</p>

3.11. Part 6 – Additional Local Provisions

Part 6 of the consolidated MLEP will specify additional local provisions in relation to certain matters such as earthworks and biodiversity and localities within the Local Government Area.

Table 6 below provides a summary of the clauses contained within this part of the LEP.

See Appendix C for further details.

Table 6 – Summary of Additional Local Provisions

CI No.	CI Title	Details	Justification
6.1	Earthworks	<p>Include the following objective:</p> <p><i>(1) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</i></p>	<p>It is recommended to adopt the objectives of Clause 6.1 of MLEP.</p> <p>Reference to exempt development earthworks is not considered necessary as this is already addressed in subclause (2).</p> <p>See Appendix C for wording.</p>
6.2	Stormwater management	Include clause as per clause 6.3 of JLEP.	<p>No change - adopt Clause 6.3 of JLEP and renumber.</p> <p>It is noted that no such clause exists in MLEP.</p>
6.3	Terrestrial biodiversity	Include clause as per Clause 6.3 of MLEP and Clause 6.4 of JLEP.	<p>No change to existing wording contained in Clause 6.3 of MLEP and Clause 6.4 of JLEP as they are almost identical in wording.</p> <p>See Appendix C for wording.</p>
6.4	Groundwater vulnerability	Include clause as per Clause 6.4 of MLEP and Clause 6.5 of JLEP.	<p>No change to existing wording contained in Clause 6.4 of MLEP and Clause 6.5 of JLEP as they are almost identical in wording.</p> <p>See Appendix C for wording.</p>
6.5	Riparian land and watercourses	Include clause as per Clause 6.5 of MLEP and Clause 6.6 of JLEP.	<p>No change to existing wording contained in Clause 6.5 of MLEP and Clause 6.6 of JLEP as they are almost identical in wording.</p> <p>See Appendix C for wording.</p>

6.6	Wetlands	Include clause as per Clause 6.6 of MLEP and Clause 6.7 of JLEP.	<p>No change to existing wording contained in Clause 6.6 of MLEP and Clause 6.7 of JLEP as they are identical in wording.</p> <p>See Appendix C for wording.</p>
6.7	Essential services	Include clause as per Clause 6.9 of MLEP and Clause 6.8 of JLEP.	<p>No change to existing wording contained in Clause 6.9 of MLEP and Clause 6.8 of JLEP as they are identical in wording.</p> <p>See Appendix C for wording.</p>
6.8	Development on river front areas	Include clause as per clause 6.7 of MLEP.	<p>No change - adopt Clause 6.7 of MLEP and renumber.</p> <p>It is noted that no such clause exists in JLEP.</p> <p>See Appendix C for wording.</p>
6.9	Development on river beds and banks	Include clause as per clause 6.8 of MLEP.	<p>No change - adopt Clause 6.8 of MLEP and renumber.</p> <p>It is noted that no such clause exists in JLEP.</p> <p>See Appendix C for wording.</p>

LEP Schedules

3.12. Schedule 1 – Additional Permitted Uses

Schedule 1 of the LEP contains additional permitted uses as referenced in Clause 2.5.

It is noted that Schedule 1 in both the existing MLEP and JLEP are blank.

The new consolidated LEP does not seek to introduce any Schedule 1 uses and this schedule will remain blank.

3.13. Schedule 2 – Exempt Development

Schedule 2 of the LEP outlines exempt development requirements.

It is noted that Schedule 2 in both the existing MLEP and JLEP are blank.

The new consolidated LEP does not seek to introduce any new exempt development requirements.

3.14. Schedule 3 – Complying Development

Schedule 3 of the LEP outlines complying development requirements.

It is noted that Schedule 3 in both the existing MLEP and JLEP are blank.

The new consolidated LEP does not seek to introduce any new complying development requirements.

3.15. Schedule 4 – Classification and Reclassification of Land

Schedule 4 of the LEP contains a list of land parcels, which have been reclassified as either operational land (no interests or interests changed) or community land.

It is noted that Schedule 4 in both the existing MLEP and JLEP are blank.

The new consolidated LEP does not seek to reclassify any land.

3.16. Schedule 5 – Environmental Heritage

Schedule 5 of the LEP contains a list of environmental heritage items.

It is noted that both JLEP and MLEP contain a number of heritage items.

As part of the creation of the new consolidated LEP, these items will be renumbered and a number of additional items will be added consistent with the recommendations of the *Murrumbidgee Council Heritage Review Inventory Report*.

Accordingly, Schedule 5 of the LEP will be updated as follows. Proposed additions and/or changes are identified in red for reference purposes.

The mapping showing the intended provisions is included in the justification for each item.

Table 7 – Amendments to Schedule 5

Part 1 Heritage Items

Suburb	Item Name	Address	Property Description	Significance	Item no
Coleambally	Bucyrus Class Dragline	Kingfisher Avenue ('Lions Park')	Lot 313, DP 255769	Local	I1
Coleambally	Coleambally Water Tower	Kingfisher Avenue	Lot 534, DP 1097168	Local	I2
Darlington Point	Punt Hotel	Bridge Street	Lot 1, Section 3, DP 3754, Lot 1 DP 1098159	Local	I3
Darlington Point	Darlington Point War Memorial	23 Carrington Street	Lot 3, Section 2, DP 3754	Local	I4
Darlington Point	Murrumbidgee Shire Hall (former)	35 Carrington Street	Lot 201, DP 750908	Local	I5
Darlington Point	Court house group (former)	Darlington Street	Lot 7002, DP 1021253	Local	I6
Darlington Point	Palm Tree Avenue	Hay Road	Road reserve	Local	I7
Darlington Point	Darlington Point Church	2 Hay Road	Lot 6, Section 83, DP 759030	Local	I8
Darlington Point	Survey Tree "BM AN 42"	Kidman Way	Road Reserve	Local	I9
Darlington Point	Darlington Point Wharf	Murrumbidgee River	Murrumbidgee River	Local	I10
Darlington Point	Water Trough	Stock Street	Road reserve	Local	I11
Darlington Point	Toganmain Woolshed Precinct (including woolshed and associated buildings)	Sturt Highway	Lot 3 DP 1287292	Local	I12
Darlington Point	Tubbo Station	Sturt Highway	Part Lot 2, DP 1151699; Part Lot 2, DP 60242	Local	I13
Jerilderie	Monash Park Grandstand	Bolton Street	Lot 7301, DP 1132742	Local	I14
Jerilderie	Public School and Headmaster's Residence	27–33 Bolton Street	Lot 18, DP 84; Lots 19, 20 and 21, DP 69; Lot 2, DP 231193	Local	I15
Jerilderie	Old Coree Homestead and farm buildings	1850 Conargo Road	Lot 6, DP 705684	Local	I16
Jerilderie	St Joseph's Catholic Church	26 Coreen Street	Lot 2, DP 758541	Local	I17

Jerilderie	St Joseph's Convent	30 Coreen Street	Lot 3, DP 935563	Local	I18
Jerilderie	Jerilderie Cenotaph/War Memorial	Jerilderie Street	Lot 1, DP 982233	Local	I19
Jerilderie	Jerilderie Post Office (former)	6 Jerilderie Street	Lot 1, DP 809147	Local	I20
Jerilderie	Royal Mail Hotel	16–20 Jerilderie Street	Lot 4, DP 758541	Local	I21
Jerilderie	Uniting Church	21 Jerilderie Street	Lot 1, DP 775345	Local	I22
Jerilderie	Sir John Monash's House	30 Jerilderie Street	Lot 12, DP 709527	Local	I23
Jerilderie	Printery	41 Jerilderie Street	Lot 1, DP 34609	Local	I24
Jerilderie	Bank (former)	45 Jerilderie Street	Lot 1, DP 9047148	Local	I25
Jerilderie	Jerilderie Court House	106 Jerilderie Street	Lot 228, DP 820111	Local	I26
Jerilderie	Police stables	117B Jerilderie Street	Lot 7036, DP 1087007	Local	I27
Jerilderie	Roman Catholic Manse	19 Kennedy Street	Lot 5, Section 11, DP 758541	Local	I28
Jerilderie	St Stephens Anglican Church and Hall	72 Mahonga Street	Lot 2, DP 758541	Local	I29
Jerilderie	Jerilderie Railway Station Group	36 Nowranie Street	Lot 1, DP774333; Lot 78, DP 756426	State	I30
Jerilderie	Willows Museum	11 Powell Street	Lot 7016, DP 1125040	Local	I31
Jerilderie	Jerilderie Ned Kelly Post Office and surrounds	15 Powell Street	Lot 50, DP 69	Local	I32
Jerilderie	Blacksmiths Museum	17–19 Powell Street	Lot 8, DP 69	Local	I33
Yanko	The Yanko Store	1063 Kidman Way	Lots 10 and 13, DP 756390; Lot 1, DP 126352	Local	I34

Part 2 Heritage conservation areas

Name of heritage conservation area	Identification on Heritage Map	Significance
Jerilderie Main Street Conservation Area	Shown by red cross hatching and identified as "C1"	Local

Part 3 Archaeological sites

Suburb	Item Name	Address	Property Description	Significance	Item no
Darlington Point	Warrangesda Aboriginal Mission and Station (SHR Item No 01810)	Kidman Way	Lots 5, 137, 147, 275 and 280, DP 750908	State	A1
Darlington Point	Waddi Creek scarred trees	Stock Street		Local	A2
Jerilderie	Site of the Park Homestead	Argoon Avenue	Lot 433, DP 1013379	Local	A3
Jerilderie	The Cape	Cape Road	Lot 7001, DP 1001673	Local	A4
Jerilderie	Polices stables	117B Jerilderie Street	Lot 7036, DP 1087007	Local	A5
Jerilderie	The Willows	11 Powell Street	Lot 7016, DP 1125040	Local	A6

3.17. Schedule 6 – Pond-based and tank-based aquaculture

Schedule 6 of the LEP lists development requirements regarding pond-based and tank-based aquaculture and adopts the standard wording of the SI.

The new consolidated LEP will retain the current wording of the two existing LEP's and SI.

4. 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.

Justification provided under criteria 1 to 5 below apply to the Planning Proposal in general.

Justification under criteria 6 to 12 are provided individually for each amendment item.

4.1. General

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed strategic planning statement, strategic study or report?

Yes, the Planning Proposal has been prepared consistent with the recommendations of the *Murrumbidgee Land Use Plan* and the *Murrumbidgee Council Heritage Review Inventory Report* (Appendices A & B).

Specifically, the Planning Proposal seeks to implement the land use planning recommendations of the Land Use Plan and Heritage Review by rezoning additional lands for residential and/or industrial development.

The Planning Proposal also seeks to better reflect the current use of land by rezoning land for conservation, recreational or special use purposes rather than applying a blanket zone to all these parcels of land.

This includes proposed changes in the three main townships of Darlington Point, Coleambally and Jerilderie, as well as the inclusion of additional items within Schedule 5 – Heritage Conservation of the LEP.

The Planning Proposal also seeks to ensure consistency across the two current LEPs, as well as introduce several new local provisions consistent with other gazetted examples, as well as ensuring that the Plan remains consistent with current day planning requirements.

Both the Land Use Plan and Heritage Review were publicly exhibited and subsequently adjusted to reflect the views of the community and relevant public authorities and government agencies.

The Planning Proposal has also been prepared consistent with the recommendations and actions contained within the *Murrumbidgee Council Local Strategic Planning Statement* as outlined below.

Extracts of the relevant Land Use Plans for the three main townships of Murrumbidgee, being Darlington Point, Coleambally and Jerilderie are reproduced below.

See individual items below for further details.

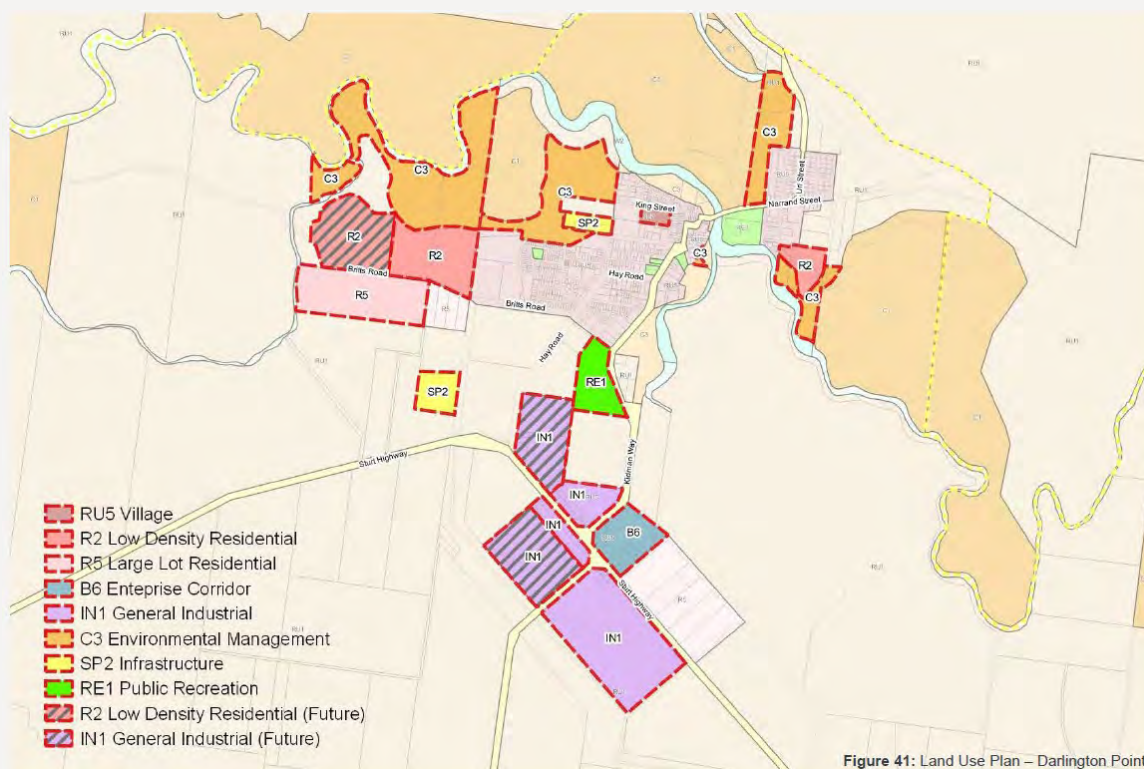


Figure 1 – Extract of Land Use Plan for Darlington Point

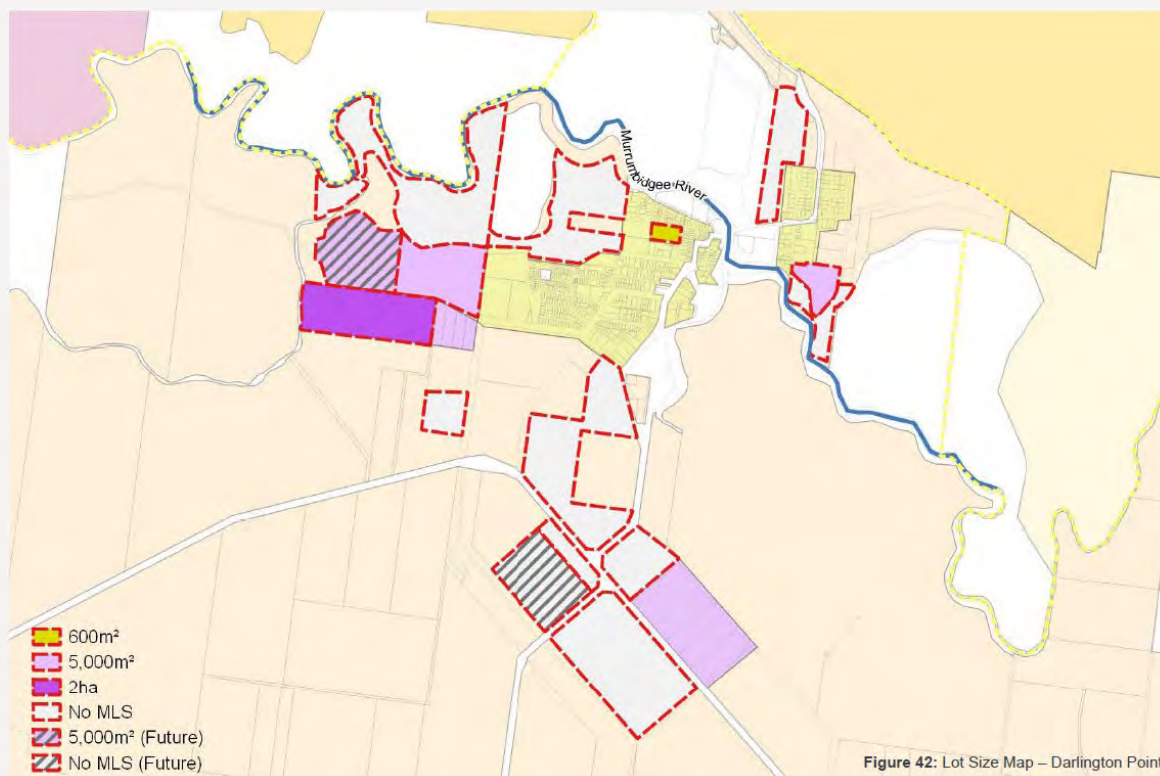


Figure 2 – Extract of Minimum Lot Size Map for Darlington Point

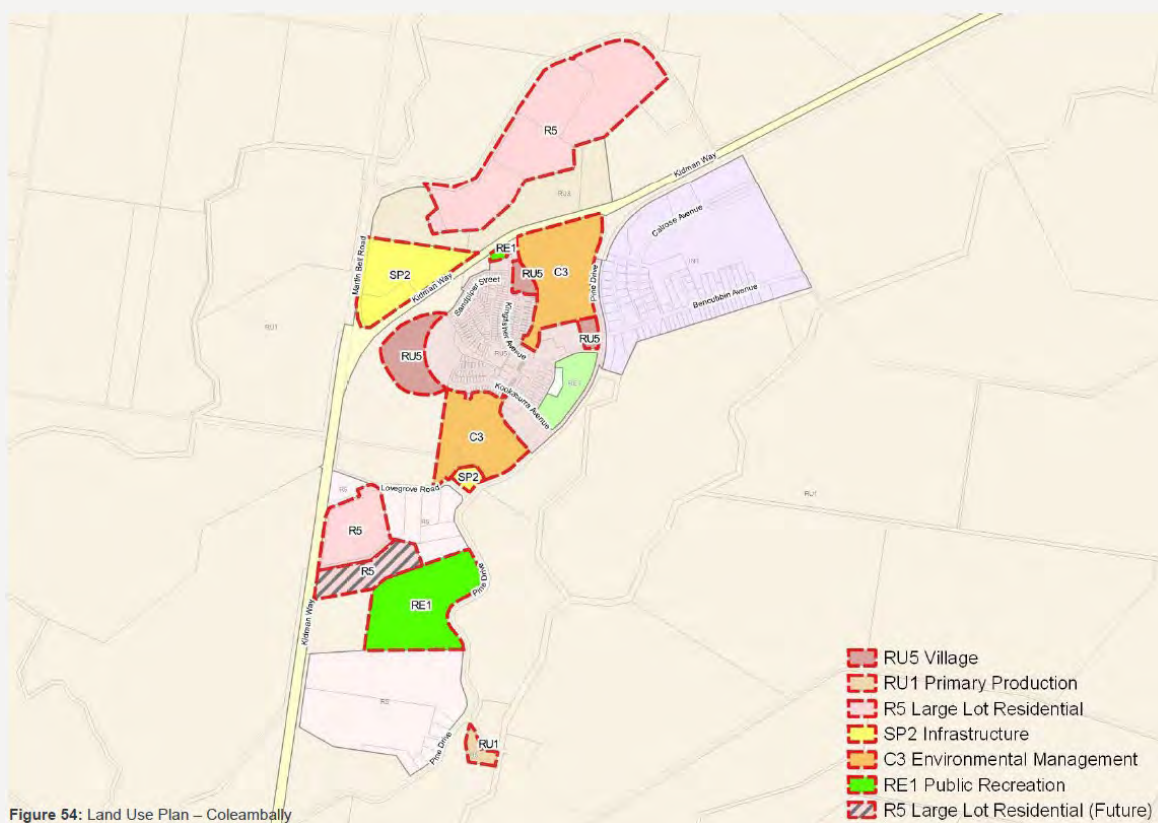


Figure 3 – Extract of Land Use Plan for Coleambally

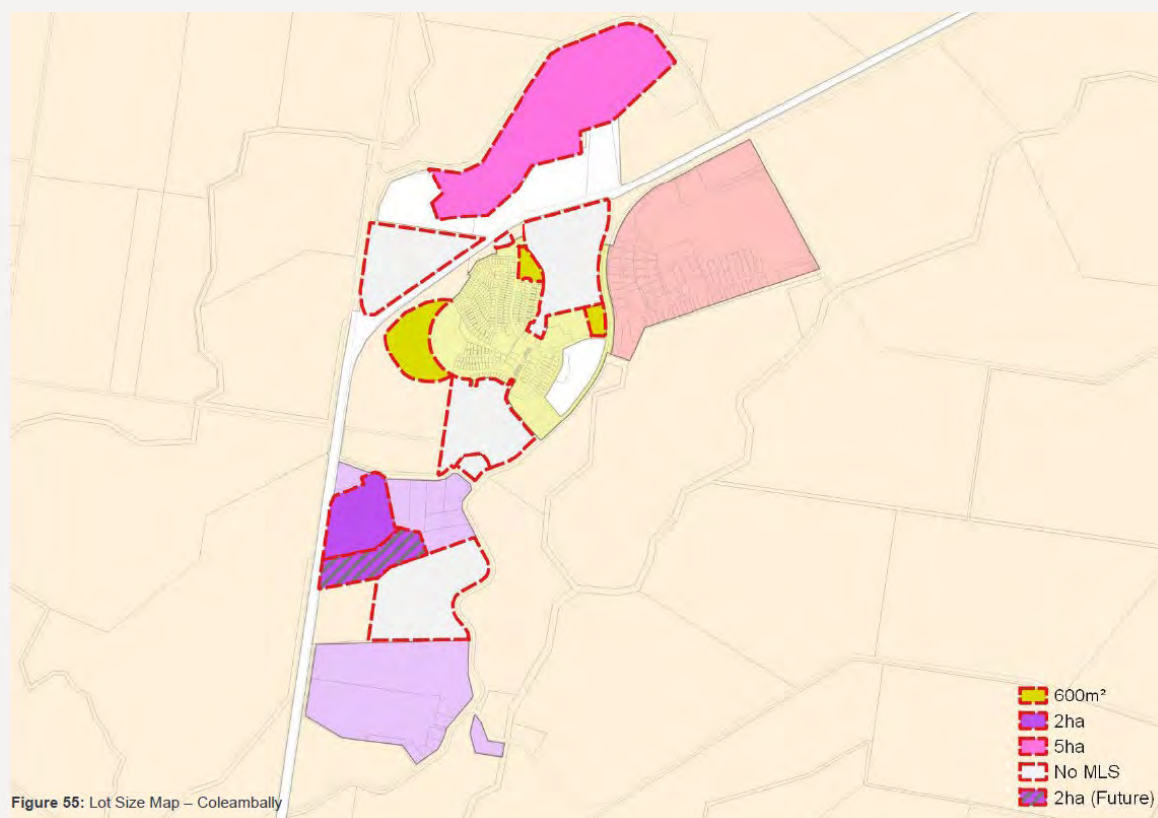


Figure 4 – Extract of Minimum Lot Size Map for Coleambally

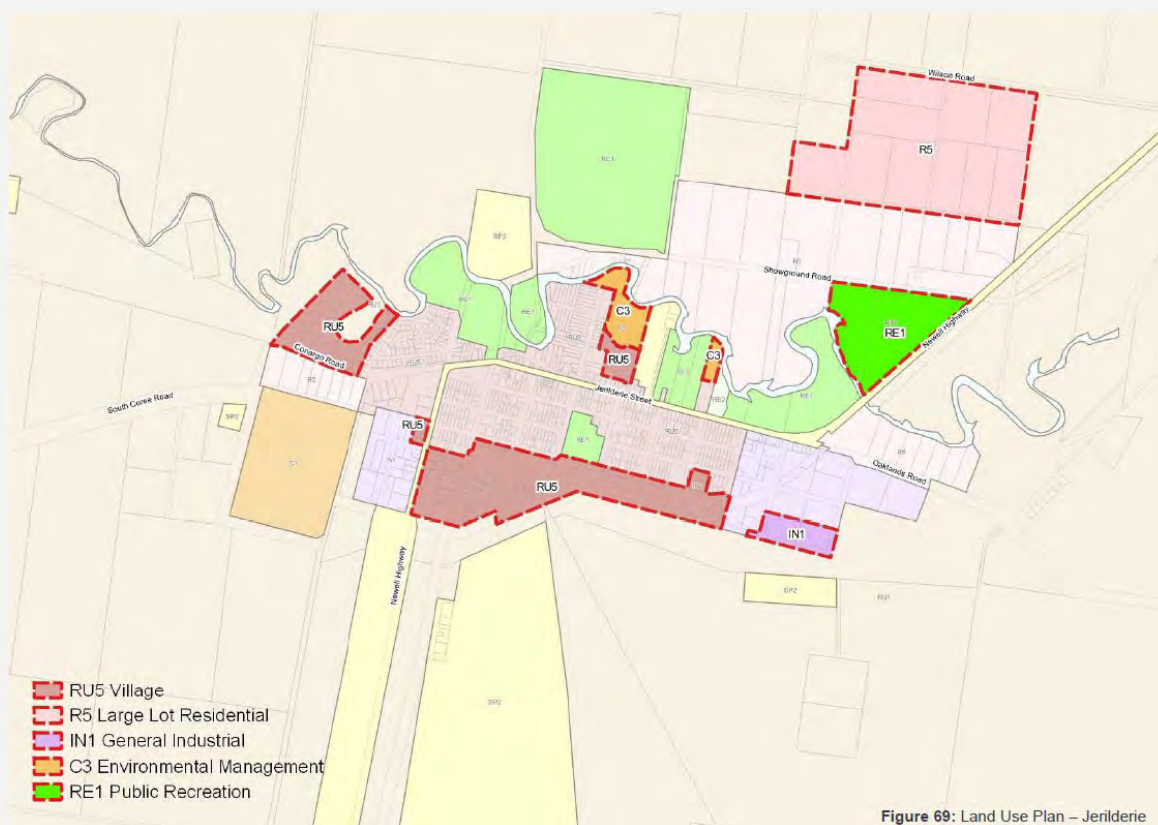


Figure 5 – Extract of Land Use Plan for Jerilderie

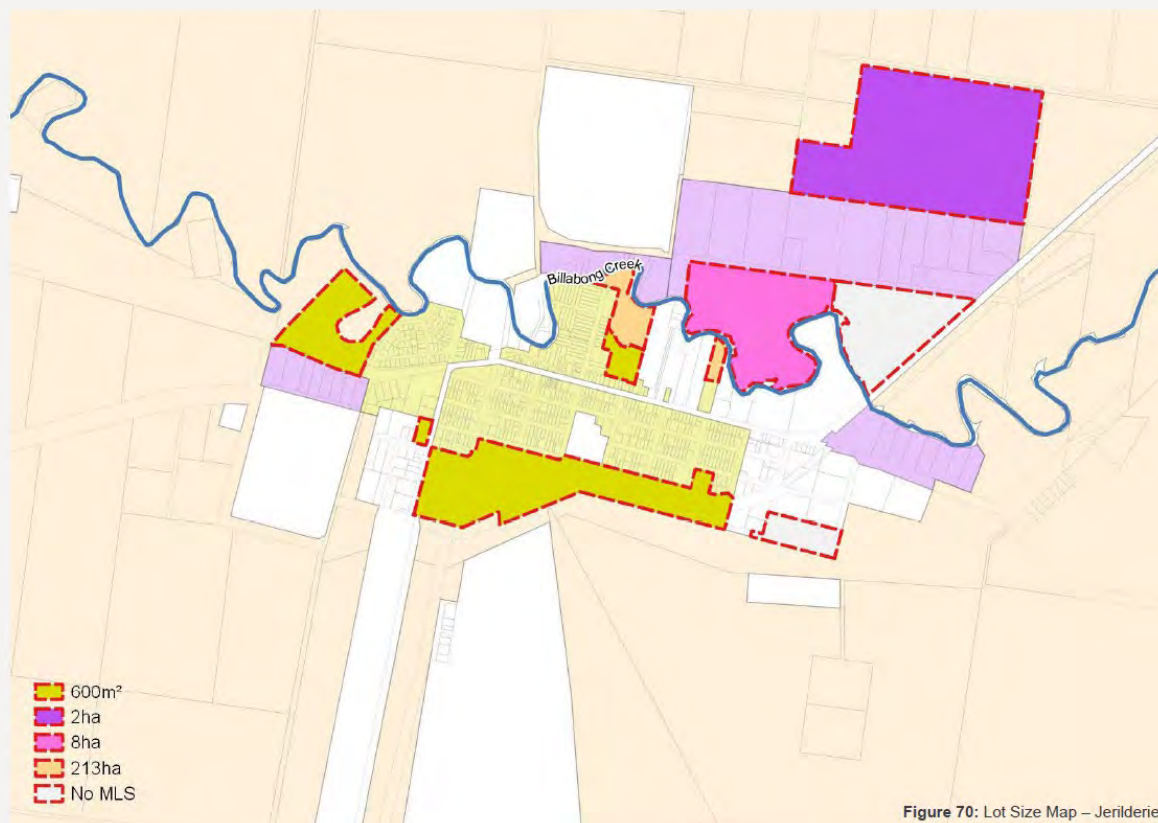


Figure 6 – Extract of Minimum Lot Size Map for Jerilderie

Murrumbidgee Council Local Strategic Planning Statement

The *Murrumbidgee Council Local Strategic Planning Statement* (LSPS) sets the land use framework on a local scale for Murrumbidgee Council's economic, social and environmental land use needs over the next 20 years. 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 Murrumbidgee Council Local Strategic Planning Statement (LSPS) establishes a 20 year vision for land use planning in the local area. The strategic planning vision of the LSPS is outlined as follows:

To experience land use and development outcomes in the future that both benefit the community and minimise environmental impacts.

To achieve this vision, the LSPS is based on four key themes:

- Theme 1 – Built environment.
- Theme 2 – Natural environment.
- Theme 3 – Infrastructure.
- Theme 4 – Economic growth.

The Planning Proposal is consistent with the following strategic agenda items:

- **BE1 – Supply of land:** *To ensure there is 15-20 years supply of zoned land and choice of sites for urban development.*
- **B33 – Location of industrial development:** *To prevent land use conflicts with adjoining non-industrial land.*
- **BE5 – Non-Aboriginal heritage:** *To ensure the rich history of the Murrumbidgee Council area is protected and maintained.*
- **NE1 – Environmentally sensitive land:** *To ensure environmentally sensitive areas are identified and provided with the appropriate level of safeguards against detrimental environmental impacts.*
- **NE6 – Climate change:** *To ensure land use and development is prepared for the consequences of climate change.*
- **IP4 – Civil infrastructure in urban and rural area:** *To ensure local infrastructure adequately performs its intended purpose.*
- **EG2 – Supply and choice in commercial development sites:** *To ensure there is always choice of sites for new commercial development.*
- **EG7 – Productive agricultural land:** *To prevent development that reduces the amount of land available for agriculture.*

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

The recently amalgamated Murrumbidgee LGA currently operates with two different LEP's, being the *Murrumbidgee Local Environmental Plan 2013* and *Jerilderie Local Environmental Plan 2012*.

The only way to combine these two LEP's is to prepare a principal Planning Proposal. Consequently, this is considered the best means of achieving the objectives and intended outcomes.

The alternative approach would be to retain the two existing LEP's that currently apply to the new Murrumbidgee LEP, which would likely require a further Planning Proposal to amend one, if not both of the LEPs to ensure consistency between these two statutory planning controls.

Similarly, in the absence of rezoning additional land for development, there is a risk that Council will run out of zoned land to satisfy projected demand (both residential and industrial) into the future.

The inclusion of additional local provisions as part of this Planning Proposal is considered necessary to ensure that the LEP remains up to date with current day planning trends. The inclusion of these clauses will also address current issues experienced with using the existing documents.

Lastly, the amendment to Schedule 5 and the Heritage maps of the LEP is considered the best means of ensuring the ongoing protection of items of heritage significance. In the absence of the amendment, there is a risk that these items will not be sufficiently protected.

Section B – Relationship to Strategic Planning Framework

3. 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 Murray region for the next 20 years.

The Minister's foreword to the document states that *"This Regional Plan will improve access to public spaces, enhances biodiversity and recognises the urban and rural lifestyles that people so highly value. It has a strong focus on harnessing the region's enormous potential in many ways, including working with government agencies and councils."*

The vision for the Regional Plan is outlined as follows:

A diversified economy founded on Australia's food bowl, iconic waterways and a network of vibrant connected communities.

The Regional Plan addresses three key areas:

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

Each of these key areas is supported by a number of different strategies, 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 E**.

In summary the Planning Proposal is consistent with the Regional Plan as the amendment seeks to support growth and development, whilst avoiding areas of natural disasters and protecting areas of environmental and heritage significance as detailed in **Attachment E**.

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

Consideration of the *Murrumbidgee Local Strategic Planning Statement* has been addressed in response to Question 1 above.

Consideration of the recommendations of the *Murrumbidgee Land Use Plan* and the *Murrumbidgee Council Heritage Review Inventory Report* has also previously been addressed in response to Question 1 above.

The *Murrumbidgee Council Economic Development Strategy 2019* identifies opportunities to support sustainable regional economic development, promote economic diversification, and identify opportunities to increase economic output and value-added production of the Murrumbidgee Council area, Riverina and NSW economies. A key outcome of the Economic Development Strategy is a shared vision for Murrumbidgee Council which has been developed through detailed community engagement and data analysis.

Specifically, the Planning Proposal responds to the following items in the Economic Development Strategy:

Agriculture:

- *the region has large agricultural and manufacturing sectors that require transport and logistics services. As such, transport and logistics play an integral and enabling role in the growth and development of these two important sectors. Focusing transport and freight that align with State and regional policies that improve linkages can increase productivity of agriculture and manufacturing.*

Transport Links

- *Newell Highway (major freight link between Melbourne and Sydney) and Sturt Highway (major freight between Adelaide and Sydney). With increased population in these cities in recent years, expanding market opportunities are available to the Murrumbidgee Council area.*
- *Opportunity to support projects that improve connections and supply chain efficiencies.*

Residential Land and Housing Shortages

- *Residential land availability and affordable rental accommodation are an issue in parts of the Murrumbidgee Council area. This adversely impacts upon the capacity of businesses in the region to attract and retain workers. It also limits the availability of housing for seasonal workers, particularly in Coleambally and Darlington Point.*
- *For example there are currently only 5 properties for rent within the Murrumbidgee Council area and approximately 20 residential dwellings indicating a lack of supply of housing options.*
- *Murrumbidgee Council is an agricultural based economy. The region has a high proportion of seasonal workers, who utilize short stay accommodation in the region during peak periods of agricultural activity, generally related to horticulture harvest/picking seasons.*

Industrial Land

- *Lack of industrial land in parts of the Murrumbidgee Council area, which adversely impacts on the attractiveness of the Murrumbidgee Council area to prospective businesses and investors.*

Land Use Planning Constraints

- *It was reported that Council planning regulations are not keeping pace with the changing needs of business and industry growth.*

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

A 20 Year Economic Vision for Regional NSW

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

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

For the purposes of this Strategy, the Murrumbidgee Local Government Area is located within the 'Inland' region ('Western Riverina'). The overarching objective for Inland Regional Economies is outlined as follows: *"Inland regions will benefit from a strong focus on building community resilience. Accelerating research and investment in key enablers, such as climate-resilient water infrastructure and technology use in agriculture and food production, will help support these economies with more productive and sustainable industries."*

The changes sought by the consolidated LEP seek to simplify the planning process and align it with current day requirements. The Planning Proposal also seeks to cater for future residential and industrial growth, which will support the three main townships of Darlington Point, Coleambally and Jerilderie.

Specifically, the Planning Proposal addresses action item No. 1, which seeks to investigate inland intermodals near the production of agricultural products. In response, the Land Use Plan recommends establishing new industrial areas within both Jerilderie and Darlington Point including potential opportunities to create a transport hub at the intersection of the Kidman Way and Sturt Highway in Darlington Point.

Similarly, the Land Use Plan responds to action item No. 4, which seeks to provide clear signals to attract industries to targeted locations. As outlined above, the Plan seeks to identify specific land use zones to encourage coordinated growth in the right location and discourage ad hoc and unplanned growth within inappropriate locations.

Accordingly, the proposal will achieve the Priority Actions and underlying principles of *A 20 Year Economic Vision for Regional NSW*.

Housing 2041: NSW Housing Strategy

Similarly, the Planning Proposal achieves the visions of *Housing 2041: NSW Housing Strategy*. The plan embodies the NSW Government's goals and ambitions to deliver better housing outcomes by 2041 including housing in the right locations, housing that suits diverse needs and housing that feels like home.

Housing 2041 is underpinned by four key pillars being: supply, diversity, affordability and resilience of housing. The right type and size of housing (diversity) and housing in the right locations must be planned relative to infrastructure, the market and environmental factors (resilience). The amount of housing (supply) will also impact the cost (affordability) of housing.

The previously endorsed Murrumbidgee Land Use Plan and subsequent Planning Proposal have been prepared having regards to these four key pillars.

Specifically, the Planning Proposal seeks to rezone additional land for residential purposes. This includes increase the range and type of lot sizes currently available which will add diversity to the market and provide a point of difference to what currently exists.

The Planning Proposal also seeks to adjust minimum lot size requirements for certain land, which will also encourage opportunities for infill housing.

4.2. Site 1 – Sturt Highway, Darlington Point

Address: Sturt Highway, Darlington

Property Description: Lot 149, DP750908, Lots 3-10, Section 23, DP759030, Lot 1, DP34376 & Lot 3, DP218805

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to E4 General Industrial. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land consistent with the other industrial zones of the LGA.

Figures showing the proposed changes are provided below.



Figure 7 – Site 1: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the SEPP'), which relates to the remediation of land. Whilst it is acknowledged that the subject land has historically been used for both broadacre agricultural purposes and a service centre, the Planning Proposal does not seek to rezone the land to a sensitive land use such as for residential, recreation or community purposes, but rather industrial purposes.

Furthermore, the site does not contain any buildings or structures such as sheep dips that would indicate land contamination and the site does not display any evidence of land contamination. Moreover, the site is not listed in either Council's or the EPA's contaminated land register. The subject land is therefore considered fit for purpose.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 8 – Site 1: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for industrial purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction for the following reasons:</p> <ul style="list-style-type: none"> • The subject land is not located within a floodway; • The subject land is only located in the flood fringe and represents low level flooding (H1) with a depth of less than 0.25 metres at the 1 in 100 Year ARI event; • The subject land is highly accessible with frontage to two sealed roadways that lead away from the area of flooding. • The future development of this land will not result in significant flood impacts to surrounding properties; • The proposal does not seek to achieve residential outcomes or increase density; • The proposal does not seek to develop the land for a sensitive use such as a child care, hospital, seniors housing, group home or the like; • The rezoning of this land will not allow for development of this land to be carried out without development consent; • The rezoning will not require an increase in government spending of emergency management services; • The proposed rezoning, whilst seeking to rezone the subject land for industrial purposes can be appropriately managed as part of the Development Application process. • The rezoning is consistent with the recommendations of the Darlington Point Floodplain Risk Management Strategy and Plan; • The rezoning is consistent with the recommendations of Murrumbidgee Land Use Plan. <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>

5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>Whilst it is acknowledged that the subject land is located on the main intersection of two key classified roads (Sturt Highway and Kidman), the future development of this land will be required to achieve a coordinate approach to site access, which will restrict the construction of individual driveways onto these higher order roadways.</p> <p>It is expected that any subsequent Development Application submitted for the land will be referred to Transport for NSW for comment.</p>
7.1 – Employment Zones	<p>See response to Section 9.1 Directions contained within the Appendix E of the Murrumbidgee Land Use Plan.</p> <p>An extract of this response as it relates to the subject land is reproduced below.</p> <p>The [supply and demand] analysis did however identify the need to rezone industrial lands in both Darlington Point and Coleambally. In particular, it is noted that Darlington Point currently has no designated industrial zoned land, which as a result is discouraging the establishment of new industrial businesses within the town. In addition, this has resulted in the establishment of a number of industrial businesses within the village zone immediately adjacent to sensitive land uses (houses), which is creating amenity impacts such as visual appearance, traffic, noise, dust, odour and the like.</p> <p>For this reason, it is recommended that a new IN1 General Industrial zone be established at the intersection of the Kidman Way and Sturt Highway. This land is strategically located on a key transport route, is not subject to any environmental or natural hazards and is well-separated from the main townships so as to avoid issues of land use conflicts. It is noted that council has already received strong interest for the development of industrial zoned land and the proposed rezoning will satisfy this demand. The rezoning of this land is also consistent with the recommendations of a structure plan previously prepared for this township.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land does not comprise critical habitat for threatened species or ecological communities. The subject land is largely devoid of any native vegetation with the majority of the site identified as non-native on the State Vegetation Map (PCT0). Whilst it is acknowledged that a small portion of the site does contain Black box grassy open woodland (PCT16), this only occupies a very small portion of the site and can be avoided if necessary as part of the future development of this land.

Similarly, a small portion of the site is also identified on Council's Terrestrial Biodiversity Map, which requires consideration of the requirements of Clause 6.3 of MLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

In summary, the works are not expected to have an adverse impact on matters regarding biodiversity.



Figure 8 – Extract of State Vegetation Map



Figure 9 – Extract of Terrestrial Biodiversity Map

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

The subject land is not identified as being bushfire, however the property is identified as being flood prone on the Murrumbidgee Floodplain Risk Management Study and Plan. Specifically, the subject land is identified as flood fringe in this Study given the relatively large floodplain that exists for Darlington Point due to the flat topography of the land.

Notwithstanding, as outlined in response to Ministerial Direction 4.1, the land is located at the fringe of the main flooding area on land that is subject to inundation of less than 0.25 metres at the 1 in 10 Year ARI Event. For these reasons, the future development of this land is consistent with the recommendations of the Flood Risk Management Study and Plan and is not expected to adversely affect any adjoining land.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

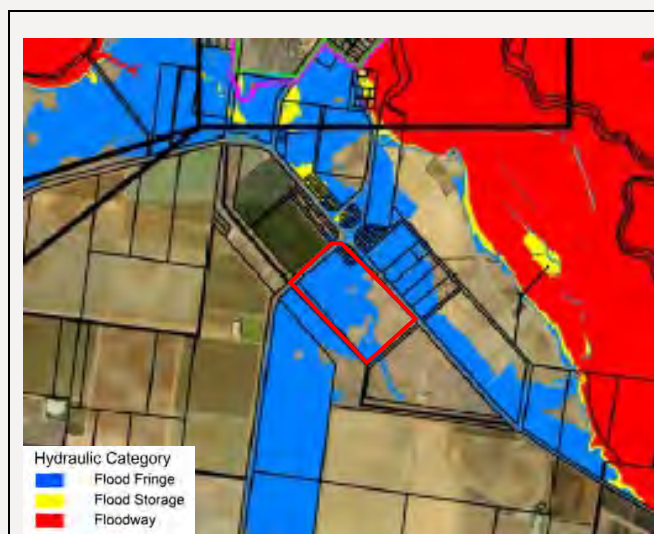


Figure 10 – Extract of 1 in 100 Year ARI Flood Map

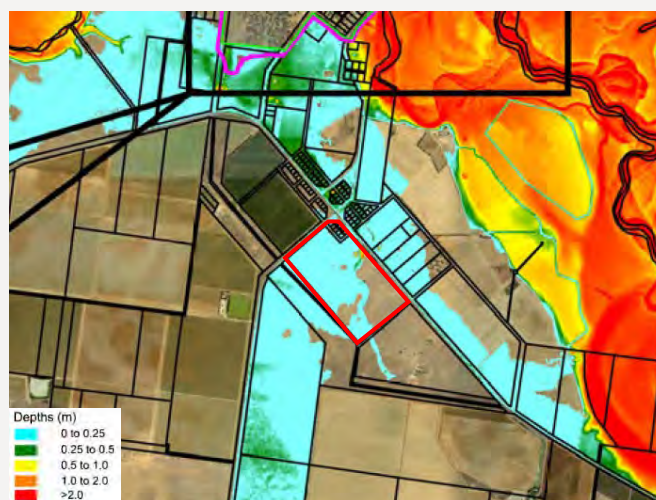


Figure 11 – 1 in 100 Year Flood Depth Map

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

The subject land is strategically located and positioned for industrial development. Furthermore, the land has been chosen for rezoning because it is well separated from sensitive land uses and avoids the creation of land use conflicts.

The Planning Proposal will have a positive social and economic impact as it seeks to implement the land zoning recommendations of the Murrumbidgee Land Use Plan.

As outlined in response to Ministerial Direction 7.1, Darlington Point currently does not have any land zoned for industrial (employment) purposes. As a result, this is discouraging development within Darlington Point and is also causing land use conflicts between existing established operating businesses and residential dwellings.

It is noted that the owner of the subject land in recent times has approached Council about developing this site for a range of industrial activities including rural supplies, logistics, warehousing and manufacturing. The rezoning of this land will allow for the site to be developed, which will have both large scale social and economic benefits for the township.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and sewerage infrastructure. The land also adjoins the Kidman Highway and Sturt Highway and has good road access. Council engineering staff have confirmed that there is enough capacity within the existing infrastructure network to facilitate the development of this land, subject to minor augmentation and/or extension works proposed as part of the development of this land.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

It is noted however that the NSW Department of Primary Industries sought to avoid or minimise potential for land use conflicts and cumulative impacts from successive development. Consequently, they requested that a further assessment should be undertaken at the rezoning stage to ensure ongoing agricultural operations on or adjacent to the proposed sites will not be adversely affected and suitable mitigations are applied. This could be achieved via the preparation of a land use conflict risk assessment (LUCRA).

The subject land adjoins almond plantations and the planning proposal seeks approval to rezone the land for industrial purposes. Given the relatively inert nature of almond farming, the development of adjoining land for industrial purposes is not expected to create land use conflicts.

Notwithstanding the above, to ensure the ongoing protection of agricultural land, Council will require the preparation of a LUCRA at the development application consistent with the new requirements of the Draft Murrumbidgee Development Control Plan 2023.

4.3. Site 2 – Clark Street, Sturt Street and Ferry Street, Darlington Point

Address: Clark Street, Sturt Street and Ferry Street, Darlington Point

Property Description: Lots 3-5 & 7-9, Section 11, DP759030, Lot 7308, DP1153849, Lots 2-8, Section 2, DP759030, Lot 1, DP795769, Lot 11, DP750908 (Part), Lot 137, DP750908, Lots 1-10, Section 1, DP759030, Lots 1-8, Section 12, DP759030, Lot 1, DP1099454 and Lot 2, DP218805.

Description: The proposed amendment seeks to rezone the subject land from part RU1 Primary Production and RU5 Village to E3 Productivity Support. The proposal also seeks to remove the current 200 hectare and 600m² minimum lot size that applies to this land consistent with the other employment zones of the LGA.

Figures showing the proposed changes are provided below.



Figure 12 – Site 2: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. Whilst it is acknowledged that the subject land has historically been used for agricultural purposes, the Planning Proposal does not seek to rezone the land to a sensitive land use such as for residential, recreation or community purposes, but rather employment purposes.

Furthermore, the site does not contain any buildings or structures such as sheep dips that would indicate land contamination and the site does not display any evidence of land contamination. Moreover, the site is not listed in either Council's or the EPA's contaminated land register. The subject land is therefore considered fit for purpose.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 9 – Site 2: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for employment purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction for the following reasons:</p> <ul style="list-style-type: none"> • The subject land is not located within a floodway; • The subject land is only located in the flood fringe and represents low level flooding (H1) with a depth of less than 0.25 metres at the 1 in 100 Year ARI event; • The subject land is highly accessible with frontage to two sealed roadways that lead away from the area of flooding. • The future development of this land will not result in significant flood impacts to surrounding properties; • The proposal does not seek to achieve residential outcomes or increase density; • The proposal does not seek to develop the land for a sensitive use such as a child care, hospital, seniors housing, group home or the like; • The rezoning of this land will not allow for development of this land to be carried out without development consent; • The rezoning will not require an increase in government spending of emergency management services; • The proposed rezoning, whilst seeking to rezone the subject land for industrial purposes can be appropriately managed as part of the Development Application process. • The rezoning is consistent with the recommendations of the Darlington Point Floodplain Risk Management Strategy and Plan; • The rezoning is consistent with the recommendations of Murrumbidgee Land Use Plan. <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>

5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>Whilst it is acknowledged that the subject land is located on the main intersection of two key classified roads (Sturt Highway and Kidman), the future development of this land will be required to achieve a coordinate approach to site access, which will restrict the construction of individual driveways onto these higher order roadways.</p> <p>It is expected that any subsequent Development Application submitted for the land will be referred to Transport for NSW for comment.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes both the RU5 zone).</p> <p>The Planning Proposal is justifiably inconsistent with the aims and objectives of this Direction as it is consistent with the recommendations of the Murrumbidgee Land Use Plan. Whilst it is acknowledged that the Planning Proposal seeks to rezone RU5 zoned land for employment purposes, it is noted that the current RU5 zoning of the land already allows for a range of commercial activities.</p> <p>Given the strategic location of the site and the relatively low amenity value on-site, the rezoning of this land for employment purposes is considered appropriate in this instance.</p>
7.1 – Employment Zones	<p>See response to Section 9.1 Directions contained within the Appendix E of the Murrumbidgee Land Use Plan.</p> <p>An extract of this response as it relates to the subject land is reproduced below.</p> <p>The [supply and demand] analysis did however identify the need to rezone industrial lands in both Darlington Point and Coleambally. In particular, it is noted that Darlington Point currently has no designated industrial zoned land, which as a result is discouraging the establishment of new industrial businesses within the town. In addition, this has resulted in the establishment of a number of industrial businesses within the village zone immediately adjacent to sensitive land uses (houses), which is creating amenity impacts such as visual appearance, traffic, noise, dust, odour and the like.</p> <p>For this reason, it is recommended that a new IN1 General Industrial zone be established at the intersection of the Kidman Way and Sturt Highway. This land is strategically located on a key transport route, is not subject to any environmental or natural hazards and is well-separated from the main townships so as to avoid issues of land use conflicts. It is noted that council has already received strong interest for the development of industrial zoned land and the proposed rezoning will satisfy this demand. The rezoning of this land is also consistent with the recommendations of a structure plan previously prepared for this township.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p>

	<p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land does not comprise critical habitat for threatened species or ecological communities. The subject land is largely devoid of any native vegetation with the majority of the site identified as non-native on the State Vegetation Map (PCT0). Whilst it is acknowledged that a portion of the site does however contain Black box grassy open woodland (PCT16) and Forb-rich Speargrass (PCT44).

Similarly, the southern portion of the site is also identified on Council's Terrestrial Biodiversity Map, which requires consideration of the requirements of Clause 6.3 of MLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

Whilst it is acknowledged that the Planning Proposal seeks to rezone this land for employment purposes, the land is not considered to represent high quality vegetation. Further consideration of biodiversity impacts will be addressed as part of any subsequent Development Application submitted for the site.

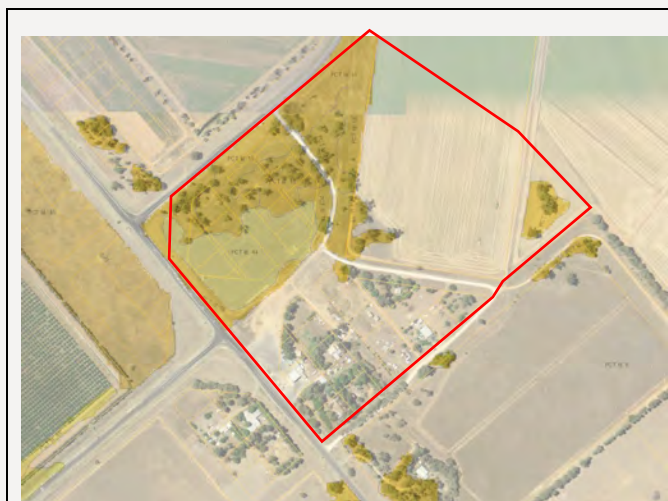


Figure 13 – Extract of State Vegetation Map



Figure 14 – Extract of Terrestrial Biodiversity Map

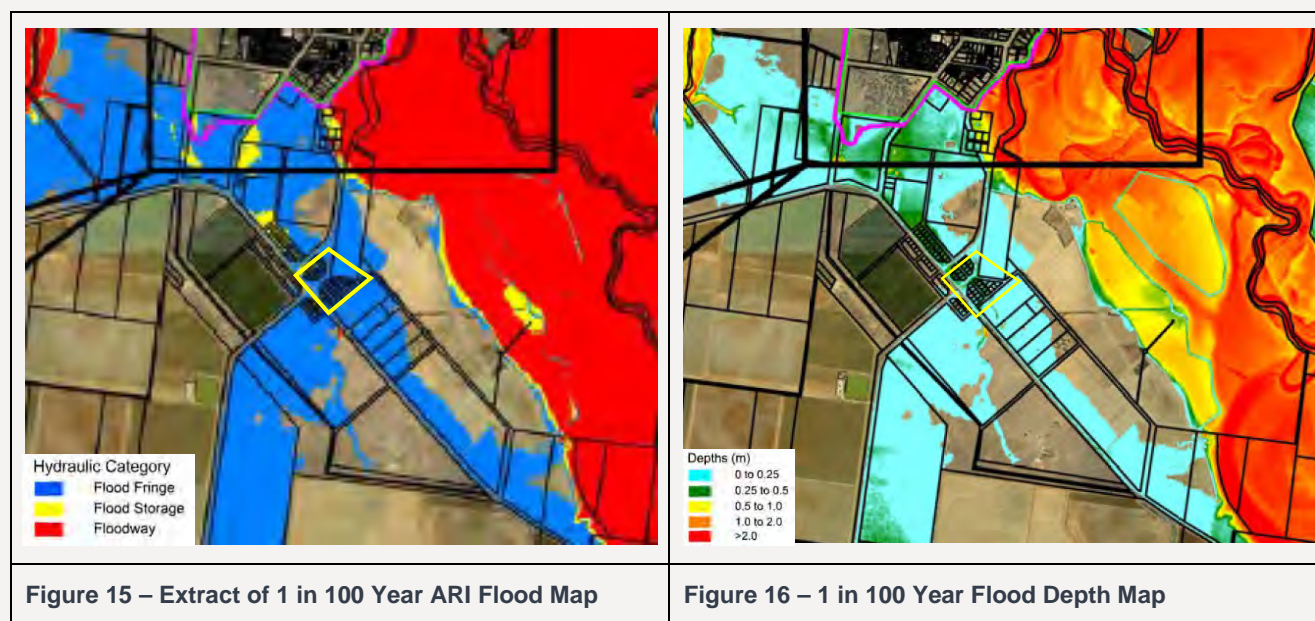
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The subject land is not identified as being bushfire, however the property is identified as being flood prone on the Murrumbidgee Floodplain Risk Management Study and Plan. Specifically, the subject land is identified as flood fringe in this Study given the relatively large floodplain that exists for Darlington Point due to the flat topography of the land.

Notwithstanding, as outlined in response to Ministerial Direction 4.1, the land is located at the fringe of the main flooding area on land that is subject to inundation of less than 0.25 metres at the 1 in 10 Year ARI Event. For these reasons, the future development of this land is consistent with the recommendations of the Flood Risk Management Study and Plan and is not expected to adversely affect any adjoining land.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.



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

The subject land is strategically located and positioned for employment purposes and is earmarked to be developed as a logistics and freight hub. Similarly, a portion of this land has already been developed as a service station and the subject Planning Proposal would seek to increase the range of commercial activities conducted within this area.

In addition, the subject land has been chosen for rezoning because it is well separated from sensitive land uses and avoids the creation of land use conflicts.

The Planning Proposal will have a positive social and economic impact as it seeks to implement the land zoning recommendations of the Murrumbidgee Land Use Plan.

As outlined in response to Ministerial Direction 7.1, Darlington Point does not have any dedicated industrial or commercial zones. As a result, this is discouraging development within Darlington Point and is also causing land use conflicts between existing established operating businesses and residential dwellings.

The rezoning of this land will allow for the site to be developed, which will have both large scale social and economic benefits for the township.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and sewerage infrastructure. The land also adjoins the Kidman Highway and Sturt Highway and has good road access. Council engineering staff have confirmed that there is enough capacity within the existing infrastructure network to facilitate the development of this land, subject to minor augmentation and/or extension works proposed as part of the development of this land.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

It is noted however that the NSW Department of Primary Industries sought to avoid or minimise potential for land use conflicts and cumulative impacts from successive development. Consequently, they requested that a further assessment should be undertaken at the rezoning stage to ensure ongoing agricultural operations on or adjacent to the proposed sites will not be adversely affected and suitable mitigations are applied. This could be achieved via the preparation of a land use conflict risk assessment (LUCRA).

The subject land adjoins almond plantations and the planning proposal seeks approval to rezone the land for industrial purposes. Given the relatively inert nature of almond farming, the development of adjoining land for industrial purposes is not expected to create land use conflicts.

Notwithstanding the above, to ensure the ongoing protection of agricultural land, Council will require the preparation of a LUCRA at the development application consistent with the new requirements of the Draft Murrumbidgee Development Control Plan 2023.

4.4. Site 3 – 92-164 (Part) Britts Road, Darlington Point

Address: 92-164 (Part) Britts Road, Darlington Point

Property Description: Part Lot 5, DP1115843 and Part 1, DP1103528

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land and replace it with a 5,000m² minimum lot size.

Figures showing the proposed changes are provided below.

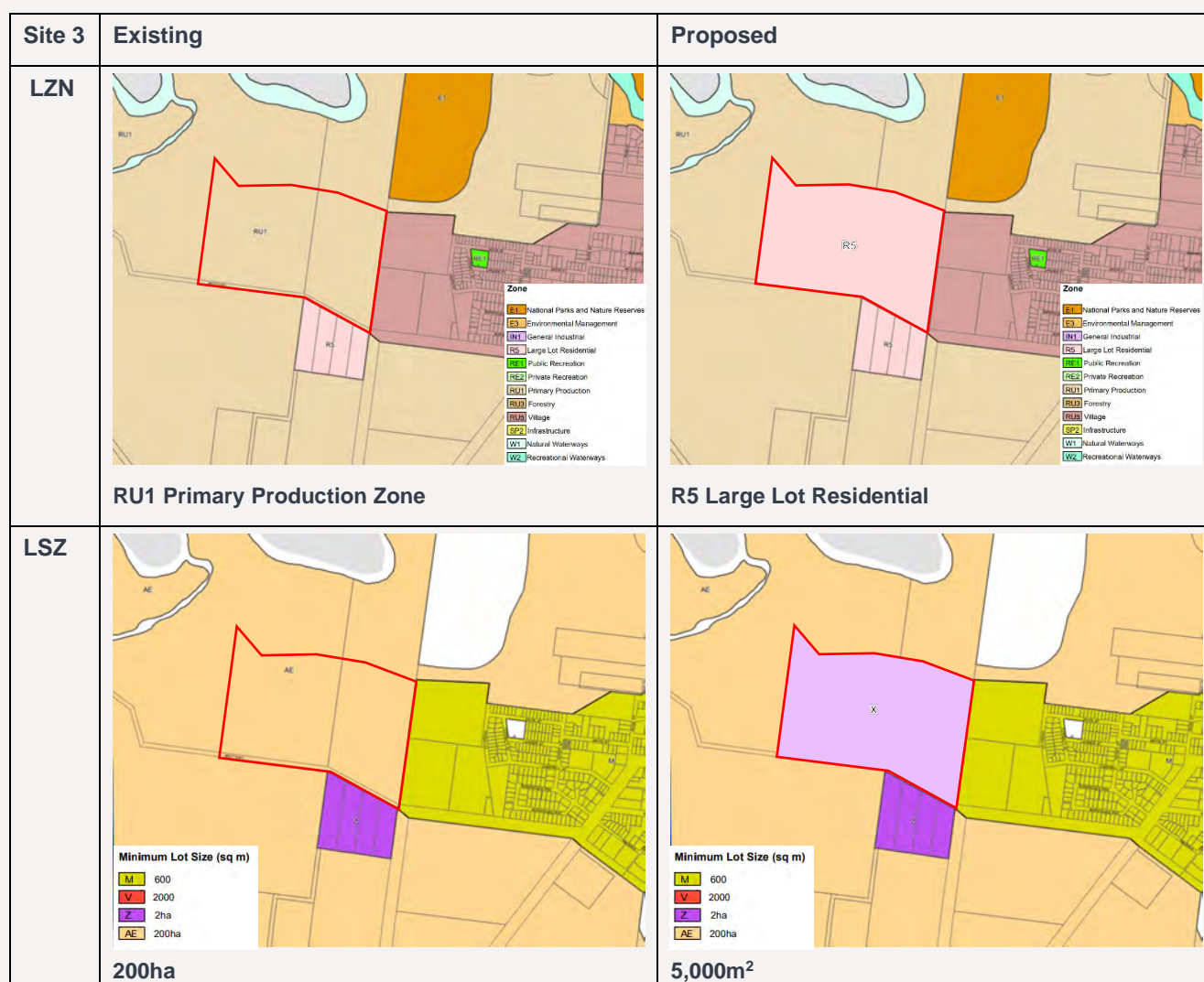


Figure 17 – Site 3: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes. Whilst it is acknowledged that agriculture is a potentially contaminating activity, following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of large lot residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 10 – Site 3: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for residential purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction as the area of rezoning is located outside of the extent of flood mapping and is located on flood free land.</p> <p>Access to and from the property is available via Britts Road, which is also flood free and leads away from the area of flooding.</p> <p>The rezoning of this land is also consistent with the recommendations of the Murrumbidgee Land Use Plan and importantly, the Murrumbidgee Floodplain Risk Management Study and Plan.</p> <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Planning Proposal seeks to rezone land that is partly identified as bushfire prone on the Murrumbidgee Bushfire Prone Land Map. Specifically, the land is classified as Vegetation Category 2 and Vegetation Buffer.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction as it only seeks to rezone those portions of the land that are not identified as being bushfire prone.</p> <p>Whilst it is acknowledged that this land does immediately adjoin bushfire prone land to the north, east and west, any future subdivision of this land will need to achieve compliance with Planning for Bushfire Protection Guidelines 2019, including the provision of reticulated infrastructure and the use of perimeter roads.</p>

5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land and adjoining land to the south will require an upgrade of Britts Road in accordance with Council's engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes R5 Large Lot Residential zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the range and type of housing/lots (5,000m²) that is currently lacking within Darlington Point.</p> <p>The provision of R5 zoned land with a minimum lot size of 5,000m² will benefit the community as it does not seek to increase the supply of conventional urban land that is already available within the township.</p> <p>Given the proximity of Darlington Point to the larger regional centre of Griffith, the introduction of this zone and lot size has the potential to encourage population growth and housing as Darlington Point has traditionally acted as a satellite suburb of Griffith.</p> <p>The creation of new residential land will add an additional approximate 16-24 years worth of residential land supply with Darlington Point depending on growth rates. Darlington Point is strategically located and is currently experiencing increasing demands for housing given interest and the establishment of several large agricultural and renewable energy projects, which are currently placing demands on housing market.</p> <p>The proposed works rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land largely consists of non-native paddock grasses (PCT) but does however contain areas of Forb-rich Speargrass (PCT44) and Derived corkscrew grasslands (PCT165). Areas immediately adjoining the site contains large areas of River red gums (PCT5).

The land is also identified on Council's Terrestrial Biodiversity Map, which requires consideration of Clause 6.3 of MLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

In summary, the Planning Proposal largely seeks to avoid areas of native vegetation, which will ensure the ongoing protection of matters regarding biodiversity.



Figure 18 – Extract of State Vegetation Map



Figure 19 – Extract of Terrestrial Biodiversity Map

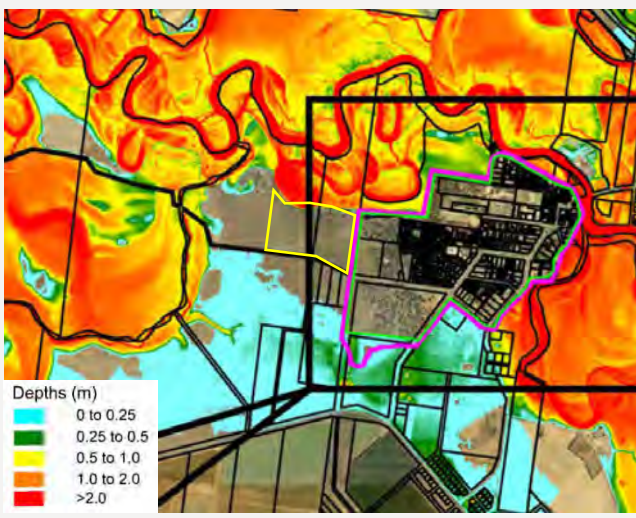
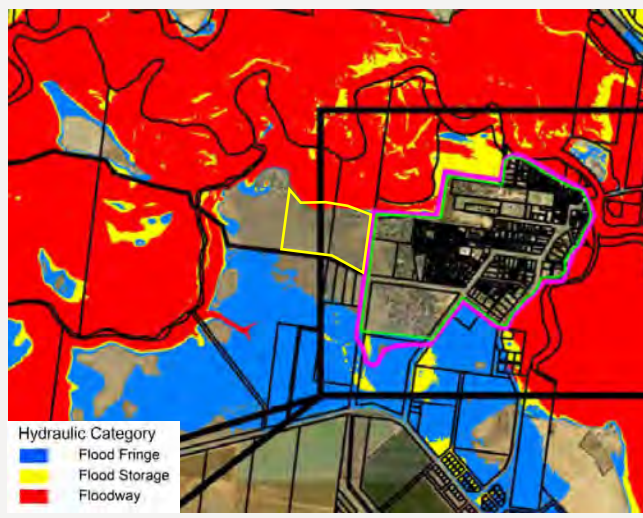
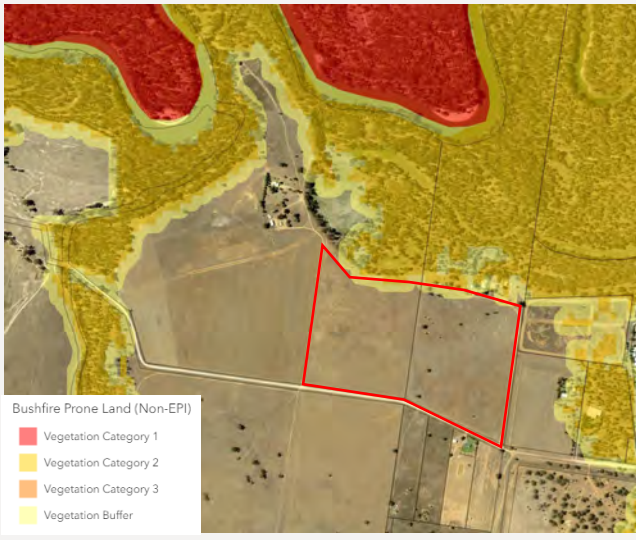
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The subject land has been identified for rezoning as part of the preparation of the Murrumbidgee Land Use Plan in recognition of its relative lack of constraints. Whilst it is acknowledged that the land does immediately adjoins areas classified as flood prone (floodway) on the Murrumbidgee Floodplain Risk Management Strategy and Plan, the proposed rezoning seeks to avoid these areas.

Similarly, the proposed rezoning also avoids areas mapped as bushfire. Whilst it is acknowledged that this site does still adjoin land mapped as bushfire, any future subdivision of this land will need to have regard to the requirements of Planning for Bushfire Protection Guidelines 2019.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints (or lack thereof) are provided below.

	
<p>Figure 20 – Extract of 1 in 100 Year Flood Depth Map</p>	<p>Figure 21 – Extract of 1 in 100 Year ARI Flood Map</p>
	
<p>Figure 22 – Extract of Bushfire Prone Land Map</p>	

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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the range and type of residential allotments and housing available within Darlington Point. At present, there is a lack of diversity in the type of housing available within the township. The rezoning of this land as proposed will seek to address this shortfall.

Similarly, given the towns' close proximity to the regional centre of Griffith, it is anticipated that the rezoning of this land will encourage in-migration from persons currently living in Griffith.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and road infrastructure. Council's engineers have confirmed that there is ample capacity within the existing reticulated water network, which will need to be augmented and extended to service this land.

Similarly, the land has access to Britts Road to the south, which will also be required to be upgraded as part of the future development of this land. All other service connections are available to the site or could be made available.

Matters regarding sewerage have also been considered. In recognition of current constraints within Council's reticulated sewerage network, the Planning Proposal seeks to rezone the land R5 Large Lot Residential with a 5,000m² minimum lot size. In doing so, this will allow for the use of on-site effluent disposal subject to the submission of a Land Capability Assessment at the time of development. The size of this block will allow for ample opportunities to dispose of effluent on-site without causing environmental harm, whilst also not placing any additional demands on Council's sewerage treatment plant.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.5. Site 4 – Britts Road (Part), Darlington Point

Address: Britts Road (Part), Darlington Point

Property Description: Part Lot 2, DP1103528

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land and replace it with a 2ha minimum lot consistent with the existing R5 zoned land located to the east.

Figures showing the proposed changes are provided below.

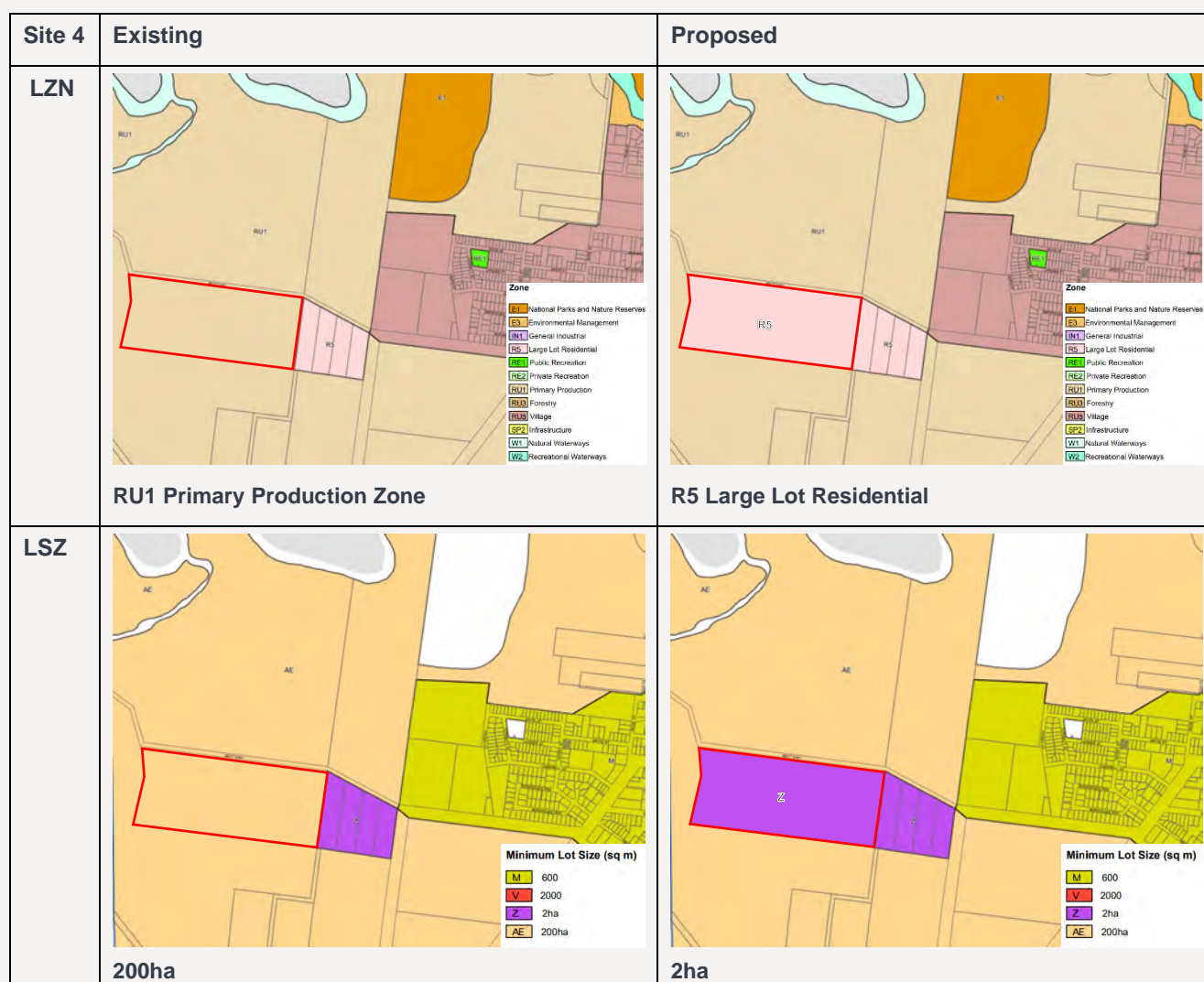


Figure 23 – Site 4: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes. Whilst it is acknowledged that agriculture is a potentially contaminating activity, following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of large lot residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 11 – Site 4: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for residential purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction for the following reasons:</p> <ul style="list-style-type: none"> • The subject land is not located within a floodway; • The subject land is only located in the flood fringe and represents low level flooding (H1) with a depth of less than 0.25 metres at the 1 in 100 Year ARI event; • The subject land is accessible with frontage to a public road that leads away from the area of flooding. • The future development of this land will not result in significant flood impacts to surrounding properties; • The residential density of the area will be low given the 2 hectare minimum lot size proposed for the land, which will equate to the addition of only approximately 15 lots; • The proposal does not seek to develop the land for a sensitive use such as a child care, hospital, seniors housing, group home or the like; • The rezoning of this land will not allow for development of this land to be carried out without development consent; • The rezoning will not require an increase in government spending of emergency management services; • The proposed rezoning, whilst seeking to rezone the subject land for industrial purposes can be appropriately managed as part of the Development Application process. • The rezoning is consistent with the recommendations of the Darlington Point Floodplain Risk Management Strategy and Plan; • The rezoning is consistent with the recommendations of Murrumbidgee Land Use Plan. <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>

5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land and adjoining land to the south will require an upgrade of Britts Road in accordance with Council's engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes R5 Large Lot Residential zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the range and type of housing/lots (2ha) that is currently lacking within Darlington Point.</p> <p>The provision of R5 zoned land with a minimum lot size of 2ha will benefit the community as it does not seek to increase the supply of conventional urban land that is already available within the township.</p> <p>Given the proximity of Darlington Point to the larger regional centre of Griffith, the introduction of this zone and lot size has the potential to encourage population growth and housing as Darlington Point has traditionally acted as a satellite suburb of Griffith.</p> <p>The subject Planning Proposal will only create approximately 15 new residential lots, which only equates to an additional land supply of 2 years. It is noted that four adjoining lots to the east were developed at this scale and were immediately sold due to demand for this residential product.</p> <p>Darlington Point is strategically located and is currently experiencing increasing demands for housing given interest and the establishment of several large agricultural and renewable energy projects, which are currently placing demands on housing market.</p> <p>The proposed works rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land is largely devoid of overstorey vegetation and comprises largely grasslands consisting of non-native paddock grasses (PCT0), the Plains Grass Grassland (PCT45), as well as smaller patches of Derived corkscrew grass (PCT165).

Similarly, the entire property is identified on Council's Terrestrial Biodiversity Map, which requires consideration of the requirements of Clause 6.3 of MLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

Whilst it is acknowledged that the Planning Proposal seeks to rezone this land for large lot residential purposes, given the size of these lots (2ha+), the level of disturbance and removal of native vegetation will be minimised and can be addressed as part of any subsequent Development Application submitted for the site.



Figure 24 – Extract of State Vegetation Map



Figure 25 – Extract of Terrestrial Biodiversity Map

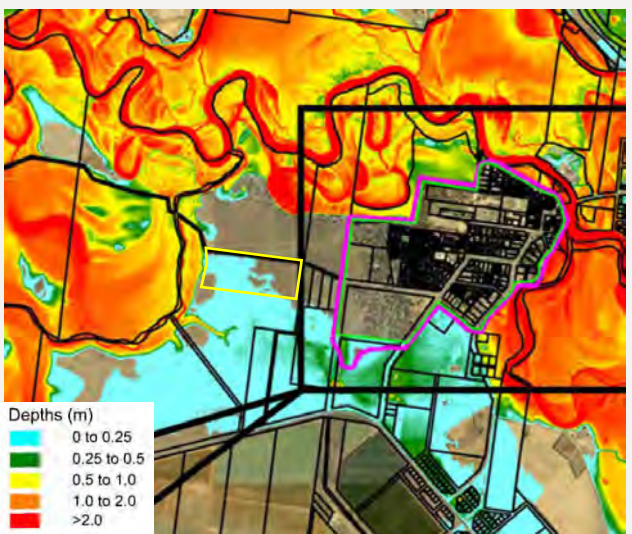
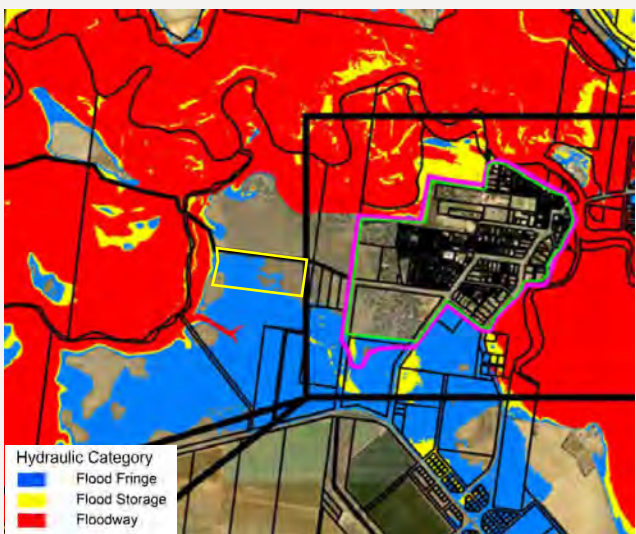
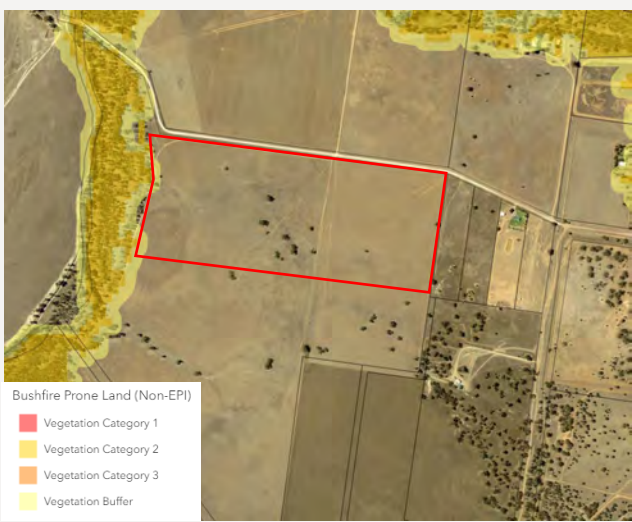
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The subject land has been identified for rezoning as part of the preparation of the Murrumbidgee Land Use Plan in recognition of its relative lack of constraints. Whilst it is acknowledged that the land is identified as being flood prone on the Murrumbidgee Floodplain Risk Management Strategy and Plan, the land is only classified as flood fringe with a flood depth of less than 0.25 metres at the 1 in 100 year flood event.

Similarly, the proposed rezoning also avoids areas mapped as bushfire. Whilst it is acknowledged that this site does still adjoin land mapped as bushfire, any future subdivision of this land will need to have regard to the requirements of *Planning for Bushfire Protection Guidelines 2019*.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

	
<p>Figure 26 – Extract of 1 in 100 Year Flood Depth Map</p>	<p>Figure 27 – Extract of 1 in 100 Year ARI Flood Map</p>
	
<p>Figure 28 – Extract of Bushfire Prone Land Map</p>	

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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the range and type of residential allotments and housing available within Darlington Point. At present, there is a lack of diversity in the type of housing available within the township. The rezoning of this land as proposed will seek to address this shortfall.

Similarly, given the towns' close proximity to the regional centre of Griffith, it is anticipated that the rezoning of this land will encourage in-migration from persons currently living in Griffith.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and road infrastructure. Council's engineers have confirmed that there is ample capacity within the existing reticulated water network, which will need to be augmented and extended to service this land.

Similarly, the land has access to Britts Road to the south, which will also be required to be upgraded as part of the future development of this land. All other service connections are available to the site or could be made available.

Matters regarding sewerage have also been considered. In recognition of current constraints within Council's reticulated sewerage network, the Planning Proposal seeks to rezone the land R5 Large Lot Residential with a 2ha minimum lot size. In doing so, this will allow for the use of on-site effluent disposal subject to the submission of a Land Capability Assessment at the time of development. The size of this block will allow for ample opportunities to dispose of effluent on-site without causing environmental harm, whilst also not placing any additional demands on Council's sewerage treatment plant.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.6. Site 5 – Boyd Street & Sturt Highway, Darlington Point

Address: Boyd Street and Sturt Highway, Darlington

Property Description: Lot 5, DP787691, Lot 1, DP627896, Lot 341, DP44520 and Part Lot 16, DP750908

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to SP2 Infrastructure as it relates to Council owned infrastructure (sewerage treatment plant and waste management centre). The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land and replace it with no minimum lot size consistent with other infrastructure zoned land within the LGA.

Figures showing the proposed changes are provided below.



Figure 29 – Site 5: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Part 2.3 of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Specifically, Division 18 of this Chapter relates to Sewerage Systems and Division 23 of this Chapter relates to waste or resource management facilities.

Whilst it is acknowledged that the current RU1 Primary Production zoning of the land is a prescribed zone under this SEPP for both of these uses, the application of a SP2 Infrastructure Zone is considered more appropriate as it is consistent with the recommendations of LEP Practice Note: PN 11-002 – *Preparing LEPs using the Standard Instrument: standard zones*.

The following commentary is provided under the SP2 Zone:

SP2 Infrastructure

Infrastructure land that is highly unlikely to be used for a different purpose in the future should be zoned SP2, for example 'cemeteries' and major 'sewage treatment plants.'

The Planning Proposal seeks to rezone land currently used as Council's Waste Management Centre and Sewerage Treatment Plant. This will better reflect the current use of the land and recognises that these properties are highly unlikely to be used for another purpose in the future.

Consistent with the requirements of this Practice Note, the land will be annotated on the LEP map as follows:

- Boyd Street – “Sewerage Systems”
- Sturt Street – “Waste or Resource Management Facility”.

It is noted that the higher order definition of the terms sewerage treatment plant and waste disposal facility, were used to provide flexibility should the range of activities increase on this sites (for example waste transfer).

Given the nature of the current activities conducted on these sites, should the land ever be proposed to be developed or used for alternative purposes, consideration will need to be given to Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the SEPP'), which relates to the remediation of land. Consideration of this SEPP is not required as part of the current Planning Proposal as the land is already being developed for this purpose.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 12 – Site 5: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Darlington Point Waste Management Centre is identified as being flood prone. The proposed rezoning of this land is consistent with this Direction as it does not seek approval to rezone the land for a sensitive purpose, but rather SP2 Infrastructure.</p> <p>The land is only classified as 'flood fringe' (see figure below) and is consistent with the recommendations of the Murrumbidgee Floodplain Risk Management Strategy and Plan.</p> <p>It is confirmed that the existing sewerage works is provided by an existing levee bank.</p>

4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Darlington Point Sewerage Treatment Plant is identified as being bushfire prone. The proposed rezoning of this land is consistent with this Direction as it does not seek approval to rezone the land for a sensitive purpose, but rather SP2 Infrastructure consistent with the current use of the land.</p> <p>The land will continue to be operated in accordance with the NSW Rural Fire Service Guideline: <i>Planning for Bushfire Protection 2019</i>.</p> <p>It is confirmed that the existing sewerage works is provided by an existing levee bank.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have ‘no objection to the draft Plan’s recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha’.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject Planning Proposal is not expected to adversely affect critical habitat for threatened species or ecological community given that both sites are currently already used for public infrastructure purposes (waste management and sewerage works).

Whilst it is acknowledged that the waste management centre is identified on Council’s Terrestrial Biodiversity Map and both properties contain patches of Black box grassy open woodland (PCT16) and River red gums (PCT5), again the land is developed and does not require the removal of any trees or vegetation.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.



Figure 30 – Extract of State Vegetation Map



Figure 31 – Extract of Terrestrial Biodiversity Map

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

The subject land has been identified for rezoning as part of the preparation of the Murrumbidgee Land Use Strategy to reflect the current use of this land, as well as recognise its relative lack of constraints. Whilst it is acknowledged that the waste management centre is free from bushfire, the land is identified as being 'flood fringe' on the Murrumbidgee Floodplain Risk Management Strategy and Plan, the site is only classified as 'flood fringe' and has a peak flood depth of less than 0.25 metres.

Similarly, the sewerage treatment plant is identified as being bushfire prone, but is largely limited to a vegetation buffer area. This land will continue to be managed ongoing consistent with the requirements for PBP.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

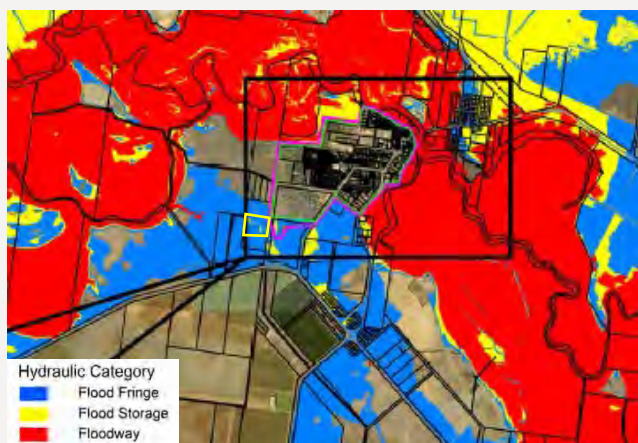


Figure 32 – Extract of 1 in 100 Year ARI Flood Map

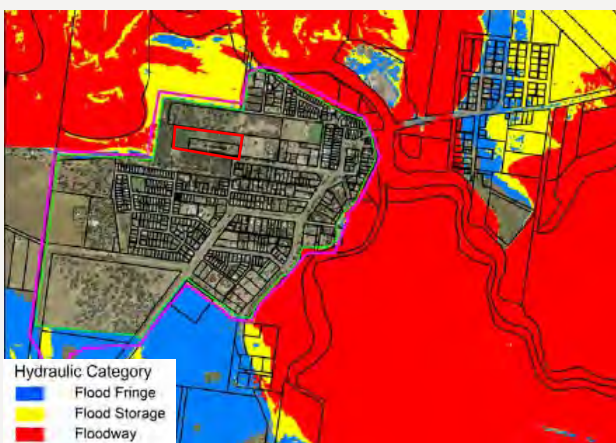


Figure 33 – Extract of 1 in 100 Year ARI Flood Map

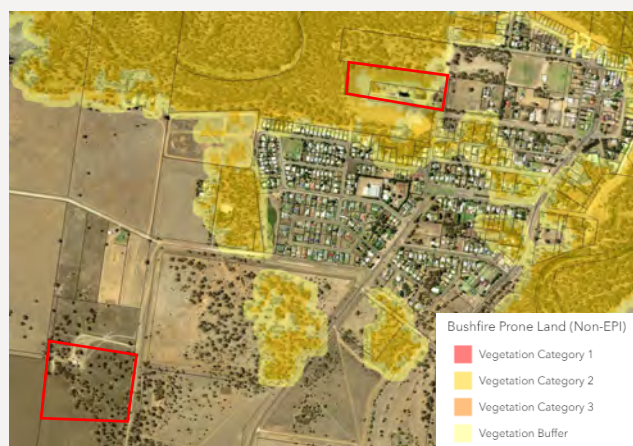


Figure 34 – Extract of Bushfire Prone Land Map

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

The proposal has appropriately considered social and economic effects. As outlined above, the subject land is already developed and used for the purposes of public utilities and infrastructure and represents critical infrastructure for the ongoing development and growth of Darlington Point.

The purpose of the Planning Proposal is to rezone this land to better reflect its current use and provide greater protection of this critical infrastructure.

As the land is already developed, there will be no change to social and economic impacts.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed and does not require any augmentation of existing infrastructure or services.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

As outlined above, consultation has previously been undertaken with relevant NSW government agencies as part of the preparation and finalisation of the LUP.

The subject Planning Proposal has been prepared based on previous feedback received from these authorities during this process.

It is expected that additional consultation will be undertaken as part of any subsequent Gateway Determination issued for the proposal.

4.7. Site 6 – Britts Road, Hay Road, Ryan Road, Kidman Way, Darlington Street & Stock Street, Darlington Point

Address: Britts Road, Hay Road, Ryan Road, Kidman Way, Darlington Street & Stock Street, Darlington Point

Property Description: Lot 5, DP804882, Lot 60, DP751688, Part Lot 66, DP751688, Lot 7304 & 7305, DP1155816, Lot 7015, DP1172075, Part Lot 5, DP1115843, Part Lot 1, DP1103528 and Lot 169, DP750908.

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to C3 Environmental Management. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land consistent with the other conservation zones of the LGA.

Figures showing the proposed changes are provided below.

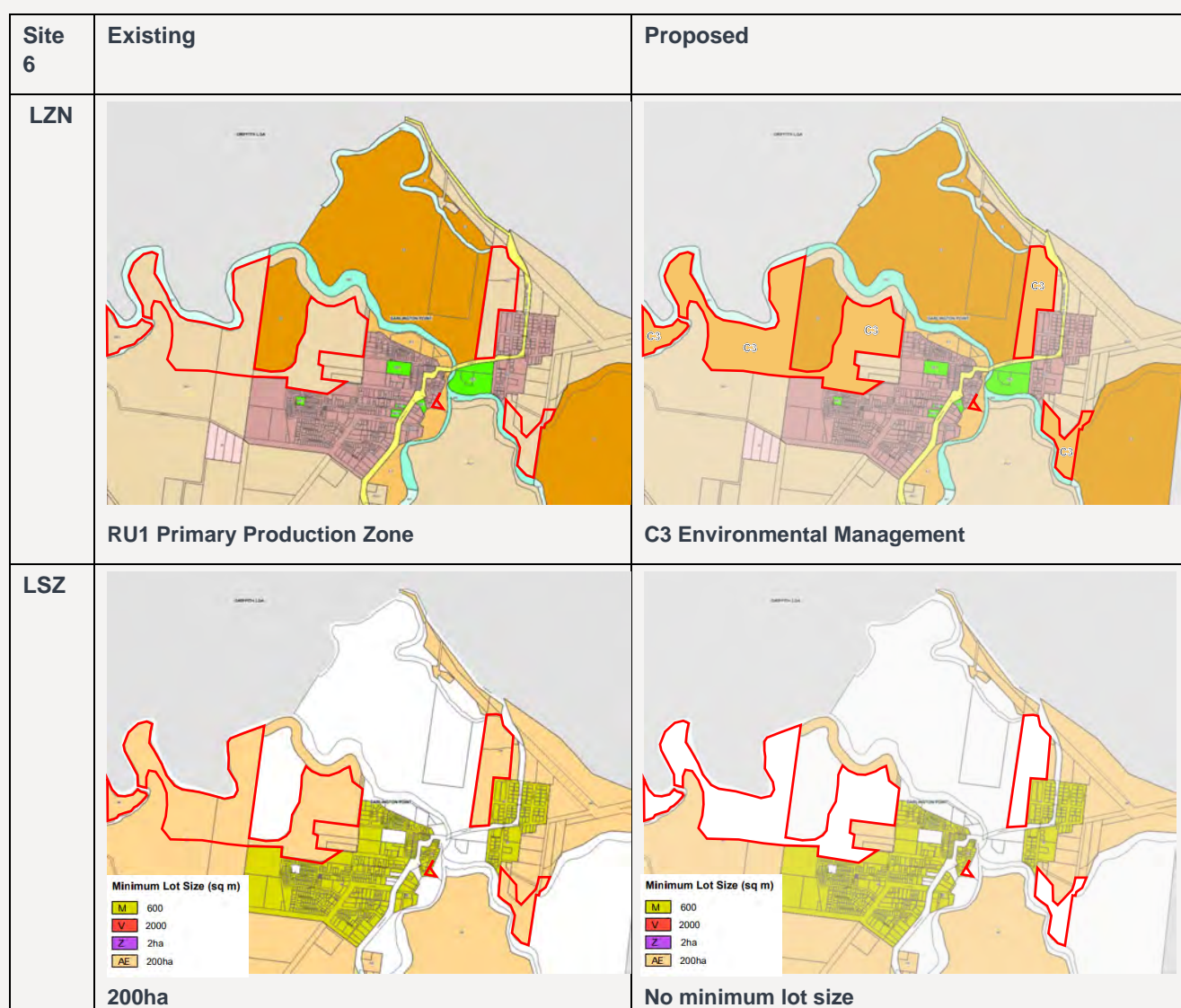


Figure 35 – Site 6: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ('Biodiversity SEPP'), which relates to vegetation in non-rural areas. The provisions of the Biodiversity SEPP apply to land outside of the rural zones including the C3 Environmental Management Zone.

The Planning Proposal is consistent with the aims and objectives of the Biodiversity SEPP as it seeks to better protect environmentally sensitive land that is also subject to significant natural hazards and constraints. This will ensure that development in this area, as well as, consequential tree removal is limited.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 13 – Site 6: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone land that is flood prone on the Murrumbidgee Flood Risk Management Study and Plan. Specifically, the land is classified as 'Floodway' at the 1 in 100 Year Flood Event.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction as the proposal seeks to back zone this land to prevent the further development of this land in recognition of the high quality vegetation contained on-site, as well as the fact that the land is subject to high levels of flooding (depths >2m).</p>
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Planning Proposal seeks to rezone land that is bushfire prone on the Murrumbidgee Bushfire Prone Land Map. Specifically, the land is classified as Vegetation Category 2.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction as the proposal seeks to back zone this land to prevent the further development of this land in recognition of the high quality vegetation contained on-site, as well as the fact that the land is subject to a high bushfire hazard.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land contains extensive areas of remnant native vegetation, which may contain critical habitat for threatened species or ecological communities. Specifically, the land primarily contains large areas of River red gums (PCT5), as well as smaller examples of Yellow box (PCT74) and Black box grassy open woodland (PCT16).

The land is also identified on Council's Terrestrial Biodiversity Map.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

For these reasons, the Planning Proposal seeks to rezone this land to better protect the environmental values of this land and ensure that it is not subject to development pressures. This will ensure the ongoing protection of this land.

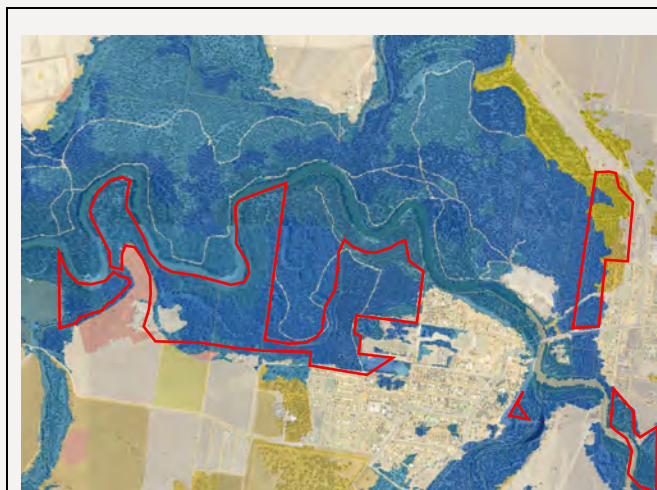


Figure 36 – Extract of State Vegetation Map



Figure 37 – Extract of Terrestrial Biodiversity Map

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

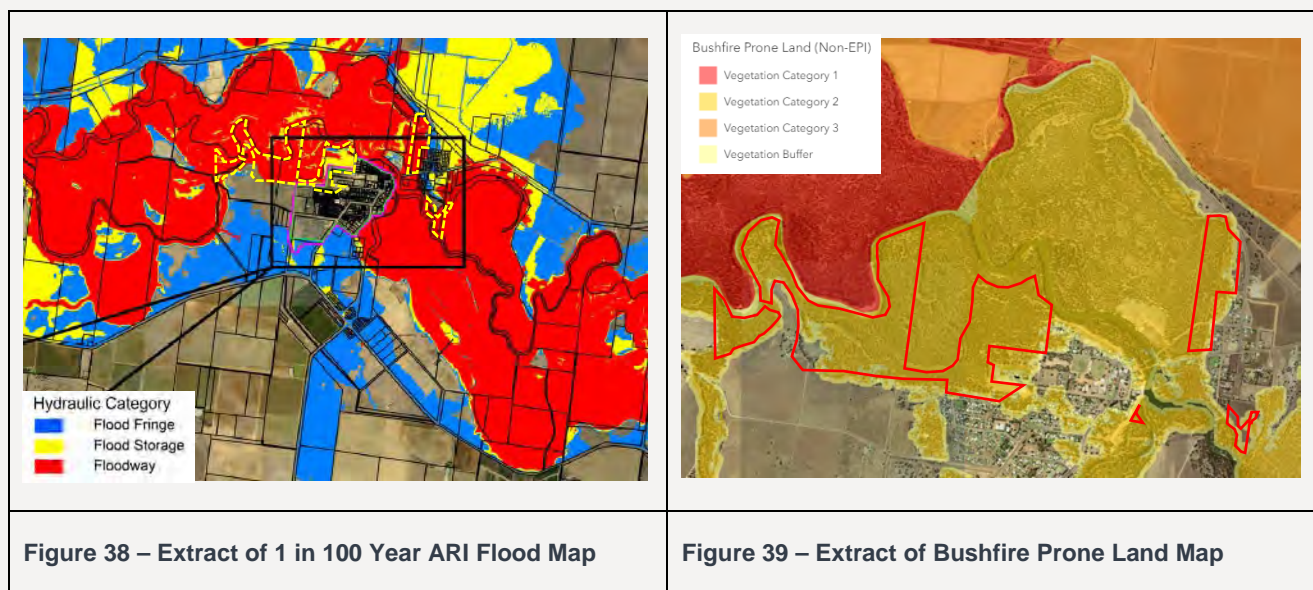
The subject land has been identified for rezoning in recognition of both its high quality biodiversity value, as well as the significant natural hazards/constraints that apply to the land.

Specifically, the subject land is identified as being bushfire prone (Vegetation Category 2) on the Murrumbidgee Bushfire Prone Land Map, as well as being flood prone (Floodway) on the Murrumbidgee Floodplain Risk Management Study and Plan at the 1 in 100 year ARI event.

For these reasons, the land is inappropriate for development and should be placed into a zone that better reflects both the biodiversity values and natural constraints of the land. The rezoning of this for conservation purposes is also consistent with the zoning of surrounding public lands located either side of the Murrumbidgee River.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.



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

As outlined above, the subject land is significantly constrained and has limited to no development potential. For these reasons, the adoption of a conservation zone is considered the most appropriate zone from a social and economic perspective.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The Planning Proposal does not seek to achieve development outcomes on the land and the land does not require access to infrastructure and services.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.8. Site 7 – Darlington Street (Part), Darlington Point

Address: Darlington Street (Part), Darlington Point

Property Description: Part Lot 66 & 74, DP751688

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to RU5 Village. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land and replace this with a 600m² minimum lot size.

Figures showing the proposed changes are provided below.

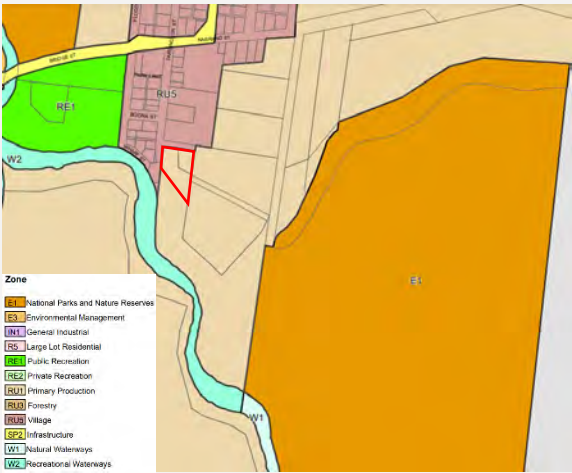
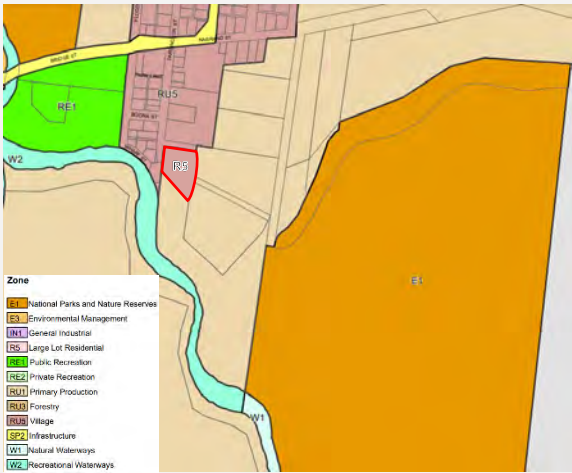
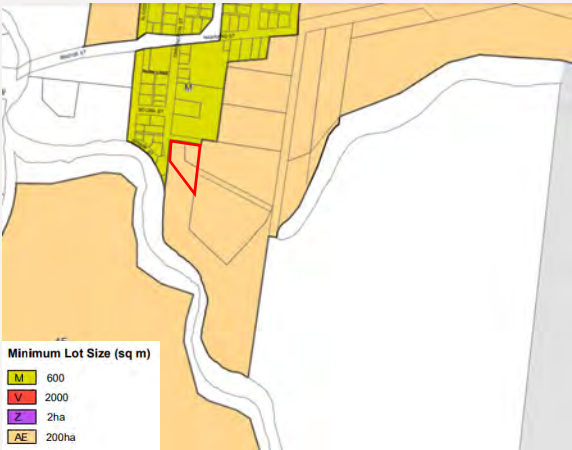

Site 7	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>R5 Large Lot Residential</p>
LSZ	 <p>200ha</p>	 <p>5,000m²</p>

Figure 40 – Site 7: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes, as well as conventional urban purposes (a dwelling). Whilst it is acknowledged that agriculture is a potentially contaminating activity, following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of large lot residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 14 – Site 7: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for residential purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction as the area of rezoning is located outside of the extent of flood mapping and is located on flood free land.</p> <p>Access to and from the property is available via Darlington Street, which is also largely flood free and leads away from the area of flooding.</p> <p>The rezoning of this land is also consistent with the recommendations of the Murrumbidgee Land Use Plan and importantly, the Murrumbidgee Floodplain Risk Management Study and Plan.</p> <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Planning Proposal seeks to rezone land that is partly identified as bushfire prone on the Murrumbidgee Bushfire Prone Land Map. Specifically, the land is classified as Vegetation Buffer.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction as it only seeks to rezone those portions of the land that are not identified as being bushfire prone with the exception of a small area of land classified as vegetation buffer.</p> <p>Whilst it is acknowledged that this land does partially include and immediately adjoins bushfire prone land to the south west, any future subdivision of this land will need to achieve compliance with Planning for Bushfire Protection Guidelines 2019.</p>

	It is noted that the land is already partially developed for the purposes of a dwelling and will allow facilitate marginal infill development.
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land will be able to be serviced via the existing sealed Darlington Street. Where necessary, this road will be upgraded in accordance with Council's engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes the RU5 Village zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the range and type of housing/lots (600m²) via additional infill development.</p> <p>The rezoning of this land is largely reflective of the sites' current use, which contains a residential dwelling. Given the size and shape of the lot, the rezoning is only expected to cater for 2-3 additional residential lots, which will not create issues of oversupply (1 additional years' supply) and avoids the existing dwelling to have to rely on existing use rights.</p> <p>The subject land is located at the urban fringe and can be serviced within utilities and infrastructure. The proposed area to be rezoned also avoids areas of environmental sensitivity and natural hazards in terms of bushfire and flooding.</p> <p>The proposed works rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land is largely devoid of overstorey vegetation except for planted vegetation located around the existing dwelling contained on-site. Groundcovers on-site also consist of non-native paddock grasses (PCT0).

Similarly, most of the area proposed to be rezoned is located outside of the area identified on Council's Terrestrial Biodiversity Map.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

For these reasons, the land is largely unconstrained from a biodiversity and natural hazards (see below) perspective and is not expected to an adverse impact on flora and fauna.



Figure 41 – Extract of State Vegetation Map



Figure 42 – Extract of Terrestrial Biodiversity Map

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

The subject land has been identified for rezoning as part of the preparation of the Murrumbidgee Land Use Plan in recognition of its relative lack of constraints. Specifically, the subject land is not classified as flood prone on the Murrumbidgee Floodplain Risk Management Strategy and Plan.

Whilst it is acknowledged that the south western boundary of the site is identified as a Bushfire Vegetation Buffer, this area only occupies a small portion of the site and there are opportunities as part of the future development of this land to comply with the requirements of *Planning for Bushfire Protection Guidelines 2019*.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

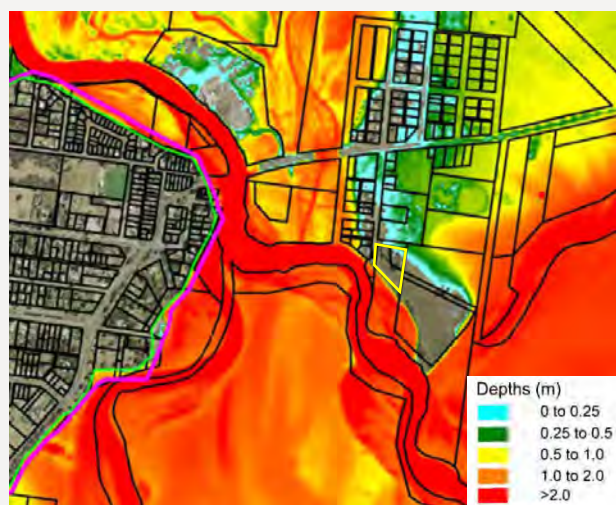


Figure 43 – Extract of 1 in 100 Year Flood Depth Map

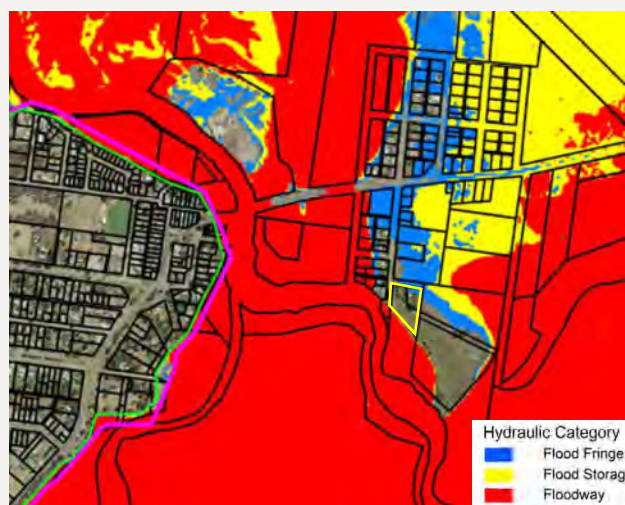


Figure 44 – Extract of 1 in 100 Year ARI Flood Map

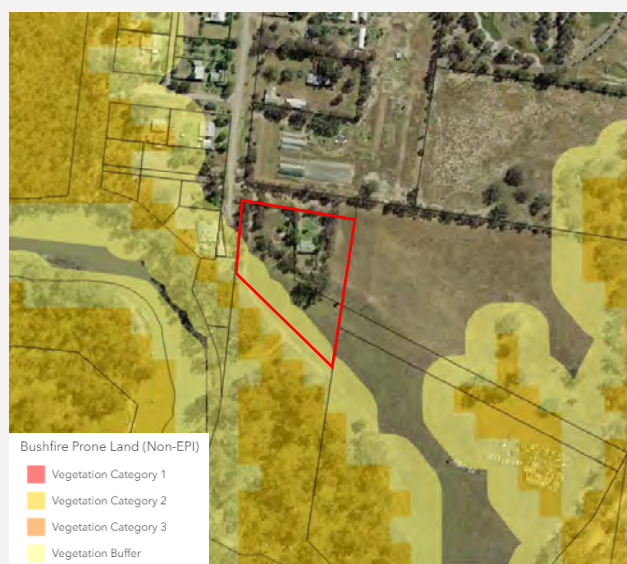


Figure 45 – Extract of Bushfire Prone Land Map

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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the range and type of residential allotments and housing available within Darlington Point. At present, the subject land is already developed for the purposes of a residential dwelling, which due to the currently rural zoning of the land has to rely on existing use rights.

Rezoning this land to RU5 Village is therefore considered to better reflect the current use of this land, whilst also providing opportunities for marginal infill development (2-3 lots). The subject land immediately adjoins residential zoned land that has been developed for housing and the site has access to relevant infrastructure and services.

Overall, the development of this land will have a generally positive social and economic impact.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

Given the marginal development outcomes sought on-site, the subject land can be serviced by reticulated public infrastructure. The subject land is already developed for a residential dwelling and is connected to all necessary infrastructure and services. These services can be augmented and extended to service these proposed additional lots and there is ample capacity within the network to accommodate this marginal increase in demand.

Where necessary road and driveway access into the site may need to be upgraded, which can be required as part of the future construction of these lots.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

Coleambally

4.9. Site 8 – Kookaburra Avenue (Part), Coleambally

Address: Kookaburra Avenue (Part), Coleambally

Property Description: Part Lot 464, DP862112

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to RU5 Village. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land and replace this with a 600m² minimum lot size consistent with the other village zoned land of the LGA.

Figures showing the proposed changes are provided below.

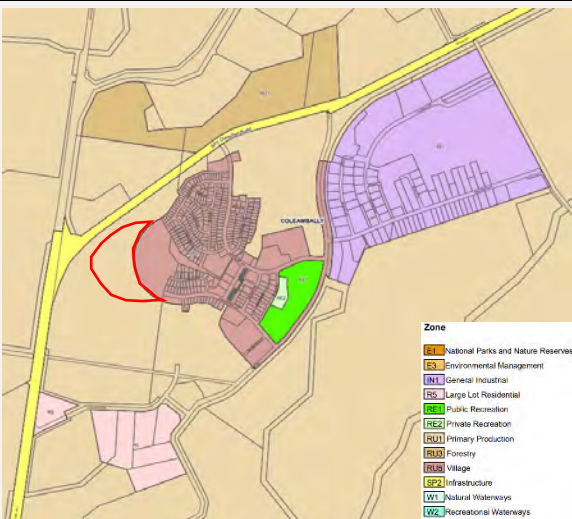
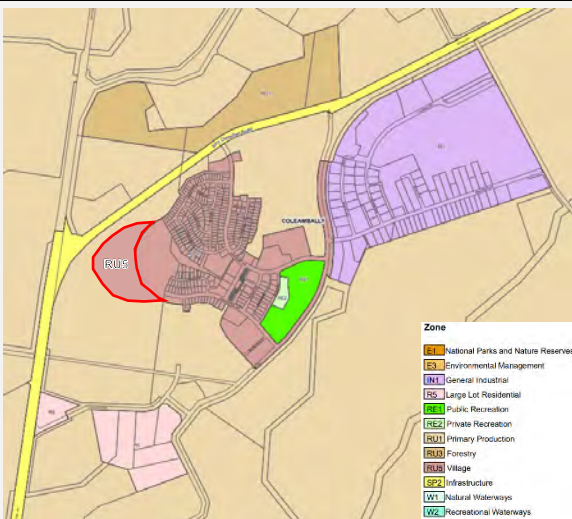
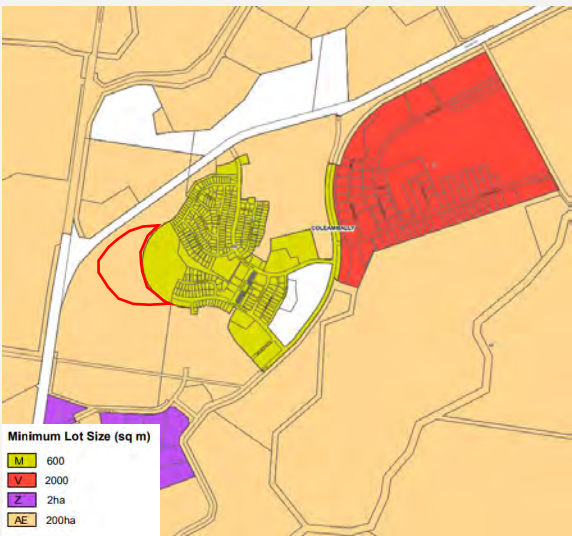
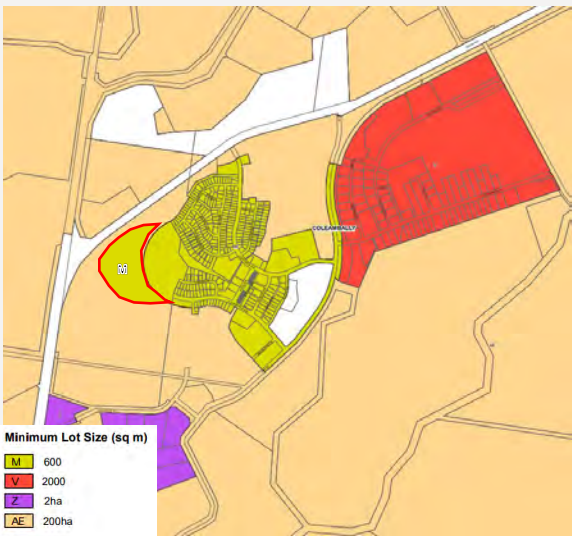
Site 8	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>RU5 Village</p>
LSZ	 <p>200ha</p>	 <p>600m²</p>

Figure 46 – Site 8: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes. Whilst it is acknowledged that agriculture is a potentially contaminating activity, following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of large lot residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 15 – Site 8: Section 9.1 Ministerial Directions

Planning Direction	Response
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Planning Proposal seeks to rezone land that is partly identified as bushfire prone on the Murrumbidgee Bushfire Prone Land Map. Specifically, the land is classified as Vegetation Category 2.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction for the reasons outlined below:</p> <ul style="list-style-type: none"> The future development of this land will be required to comply with the provisions of Planning for Bushfire Protection 2019 and will be referred to the NSW Rural Fire Service seeking a Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997. The future residential development of this road will incorporate relevant bushfire protection measures including the use of perimeter roads and two way accessways, which will act as Asset Protection Zones. The land will also be connected to Council's reticulated water network and the subdivision will contain hydrants. No combustible materials will be permitted within the Inner Protection Area and the area surrounding the subdivision will be managed and maintained ongoing. It is noted that all of Coleambally is currently identified on the Bushfire Prone Land Map with the area as a whole actively managed and maintained.
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land will be required to connect the subdivision to Kookaburra Avenue and Sandpiper Street in accordance with Council's</p>

	engineering design guidelines. The construction of this connector road will help improve connectivity within Coleambally.
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes the RU5 Village zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the supply of residential allotments. Whilst it is acknowledged that there is already a supply of urban zoned land, the purpose of the Planning Proposal is to identify Council's medium to long term residential growth area, being to the south west of the main township.</p> <p>The area adjoins land currently zoned RU5 Village and can be serviced with all reticulated infrastructure and services and forms the logical extension of this already zoned land.</p> <p>The proposed rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land consists of areas of Cypress pine open woodland (PCT28), Plains grass grassland (PCT45), as well as Forb-rich Speargrass – Windmill Grass (PCT44)

The land is also identified on Council's Terrestrial Biodiversity Map, which requires consideration of Clause 6.3 of MLEP.

Whilst it is acknowledged that the subject Planning Proposal does seek to rezone this land, which contains a number of native grasses, the Planning Proposal also seeks to back zone significant areas of land surrounding Coleambally for environmental protection purposes in accordance with the recommendations of a Biodiversity Stewardship Assessment Report (BSAR).

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

In summary, this will result in a net benefit of environmental protection, whilst still allowing for the future development of Coleambally.

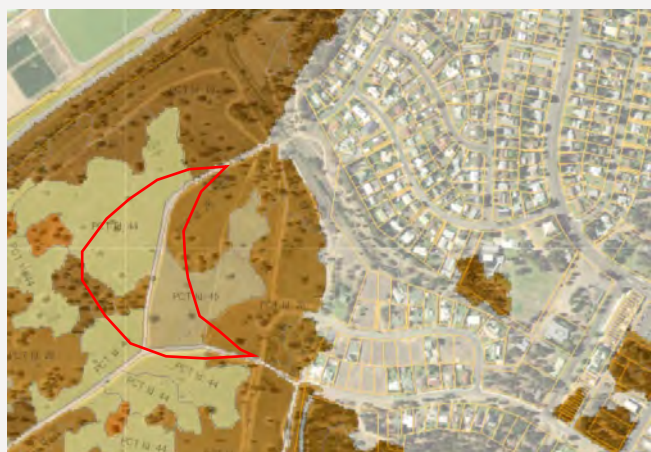


Figure 47 – Extract of State Vegetation Map



Figure 48 – Extract of Terrestrial Biodiversity Map

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

The subject land is not known to be contaminated, nor is it identified as being flood prone.

It is acknowledged however that the subject land is identified as bushfire prone – Vegetation Category 2 on the Murrumbidgee Bushfire Prone Land Map.

Whilst it is acknowledged that the Planning Proposal does seek to rezone bushfire prone land, the future development of this site will occur in accordance with the requirements of Planning for Bushfire Protection Guidelines 2019. See response to Section 9.1 Ministerial Direction 4.3 – Bushfire Prone Land for further details.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.



Figure 49 – Extract of Bushfire Prone Land Map

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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the supply of residential zoned land available within Coleambally. Whilst it is acknowledged that there is already a supply of urban zoned land, the purpose of the Planning Proposal is to identify Council's medium to long term residential growth area, being to the south west of the main township.

The area adjoins land currently zoned RU5 Village and can be serviced with all reticulated infrastructure and services and forms the logical extension of this already zoned land.

The proposed rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and sewerage infrastructure as there is additional capacity within these networks. Access to these services will be achieved via an augmentation/extension of existing services through the adjoining village zoned land.

Road access to the site, as well as other infrastructure and services will also be extended via Sandpiper Street and Kookaburra Avenue in accordance with Council's Engineering Design Guidelines.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.10. Site 9 – Kingfisher Avenue (Part), Coleambally

Address: Kingfisher Avenue (Part), Coleambally

Property Description: Part Lot 534, DP1097168

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to RU5 Village. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land and replace this with a 600m² minimum lot size consistent with the other village zoned land of the LGA.

Figures showing the proposed changes are provided below.

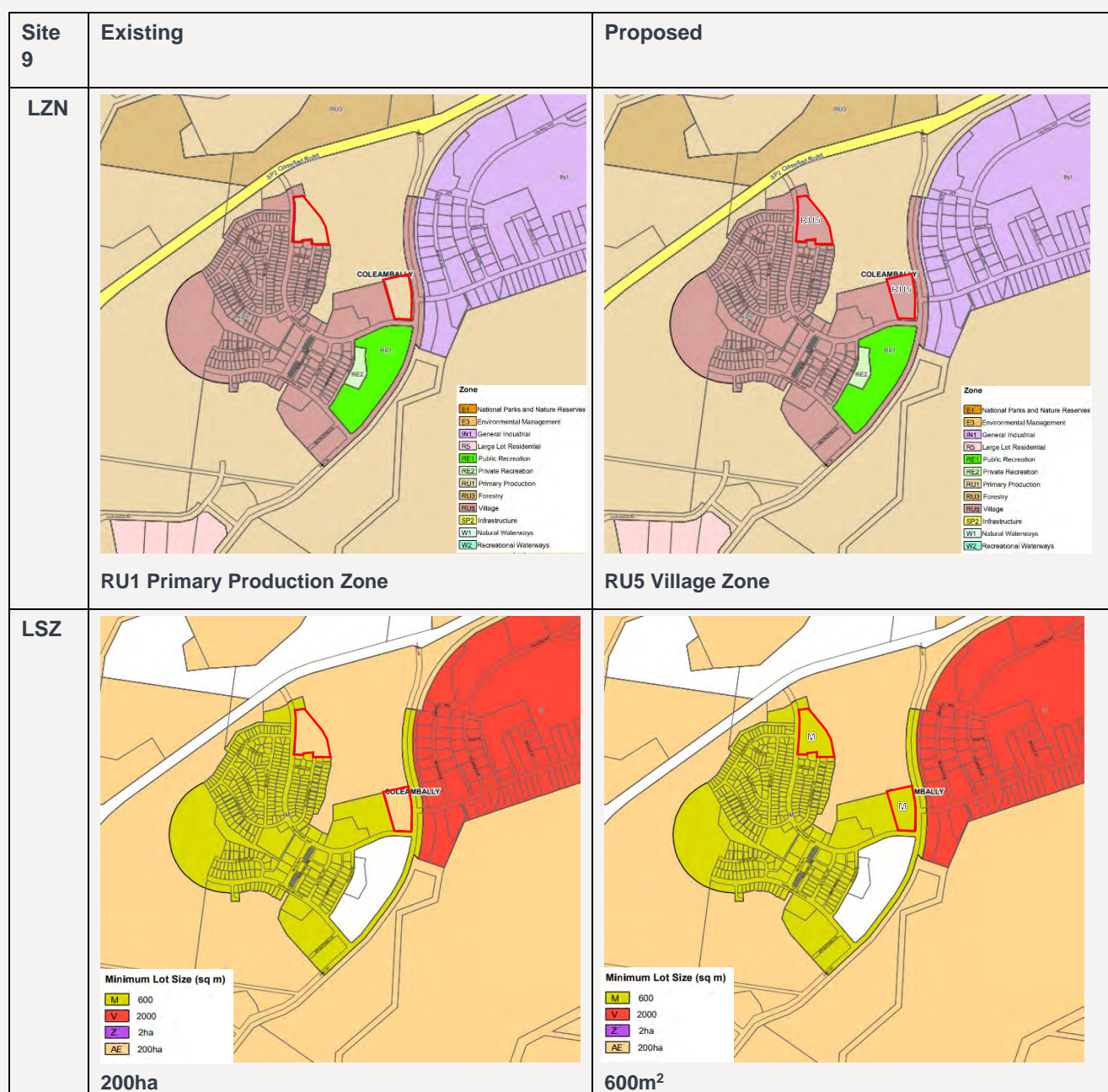


Figure 50 – Site 9: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes. Whilst it is acknowledged that agriculture is a potentially contaminating activity, following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of large lot residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 16 – Site 9: Section 9.1 Ministerial Directions

Planning Direction	Response
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Planning Proposal seeks to rezone land that is identified as bushfire prone on the Murrumbidgee Bushfire Prone Land Map. Specifically, both parcels of land are classified as Vegetation Category 2.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction for the reasons outlined below:</p> <ul style="list-style-type: none"> The future development of this land will be required to comply with the provisions of Planning for Bushfire Protection 2019 and will be referred to the NSW Rural Fire Service seeking a Bushfire Safety Authority under Section 100B of the Rural Fires Act 1997. The future residential development of this road will incorporate relevant bushfire protection measures including the use of perimeter roads and two way accessways, which will act as Asset Protection Zones. The land will also be connected to Council's reticulated water network and the subdivision will contain hydrants. No combustible materials will be permitted within the Inner Protection Area and the area surrounding the subdivision will be managed and maintained ongoing. It is noted that all of Coleambally is currently identified on the Bushfire Prone Land Map with the area as a whole actively managed and maintained.
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>

	<p>It is noted that any future development of the western most portion of the lot will occur via an extension of Bluebonnet Crescent consistent with the original town plan prepared for Coleambally.</p> <p>Similarly, the future development of the eastern most portion of the lot will occur via a direct connection with Kingfisher Avenue to the south, which will avoid the need to directly connect with the higher order Pine Drive located to the east.</p> <p>The future construction of these roads will occur in accordance with Council's engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes the RU5 Village zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the supply of residential allotments. Whilst it is acknowledged that there is already a supply of urban zoned land, the purpose of the Planning Proposal is to identify infill opportunities that have readily available access to infrastructure and services.</p> <p>Specifically, the eastern most portion of the lot immediately adjoins Coleambally High School whilst the western most portion of the lot will allow for a logical extension of Bluebonnet Crescent, which currently just terminates.</p> <p>The area adjoins developed village zoned land and can be serviced with all reticulated infrastructure and services and forms a logical extension of this already zoned land.</p> <p>The proposed rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

1. The eastern most portion of the land is cleared and contains no overstorey vegetation and only non-native paddock grasses (PCT0). The western most portion of the land contains White cypress pine (PCT28), as well as areas of Cypress Pine woodland (PCT19).

Both areas are also identified on Council's Terrestrial Biodiversity Map, which requires consideration of Clause 6.3 of MLEP.

Whilst it is acknowledged that the subject Planning Proposal does seek to rezone land, which contains a number of PCT's, the Planning Proposal also seeks to back zone significant areas of land surrounding Coleambally for environmental protection purposes in accordance with the recommendations of a Biodiversity Stewardship Assessment Report (BSAR).

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

In summary, this will result in a net benefit of environmental protection, whilst still allowing for the future development of Coleambally.



Figure 51 – Extract of State Vegetation Map



Figure 52 – Extract of Terrestrial Biodiversity Map

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

The subject land is not known to be contaminated, nor is it identified as being flood prone.

It is noted that the subject land is identified as bushfire prone – Vegetation Category 2 on the Murrumbidgee Bushfire Prone Land Map.

Whilst it is acknowledged that the Planning Proposal does seek to rezone bushfire prone land, the future development of this site will occur in accordance with the requirements of *Planning for Bushfire Protection Guidelines 2019*. See response to Section 9.1 Ministerial Direction 4.3 – Bushfire Prone Land for further details.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.



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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the supply of residential zoned land available within Coleambally. Whilst it is acknowledged that there is already a supply of urban zoned land, the purpose of the Planning Proposal is to identify Council's medium to long term residential growth including areas of infill development within the main urban area.

The area adjoins land currently zoned RU5 Village and can be serviced with all reticulated infrastructure and services and forms the logical extension of this already zoned land.

The proposed rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and sewerage infrastructure as there is additional capacity within these networks. Access to these services will be achieved via an augmentation/extension of existing services through the adjoining village zoned land.

Road access to the site, as well as other infrastructure and services will also be extended via Bluebonnet Crescent and Kingfisher Avenue in accordance with Council's Engineering Design Guidelines.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.11. Site 10 – Kingfisher Avenue, Coleambally (Lions Park)

Address: Kingfisher Avenue, Coleambally (Lions Park)

Property Description: Lot 313, DP255769

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to RE1 Public Recreation. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land consistent with the other recreational zoned land within the LGA.

Figures showing the proposed changes are provided below.



Figure 54 – Site 10: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Part 2.3 of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Specifically, Division 12 of this Chapter relates to Parks and other public reserves.

Whilst it is acknowledged that most developments typical of a recreation reserve such as walking tracks, seating, shelters, barbecue, play equipment and the like are permitted without consent on a public reserve, the application of a RE1 Public Recreation Zone is considered more appropriate as it is consistent with the recommendations of LEP Practice Note: PN 11-002 – *Preparing LEPs using the Standard Instrument: standard zones*.

The following commentary is provided under the RE1 Zone:

RE1 Public Recreation

This zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space...

The Planning Proposal seeks to rezone the land as RE1 Public Recreation as it is currently developed for a large scale park (Lions Park). The rezoning of this land will better reflect the current use of the land.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 17 – Site 10: Section 9.1 Ministerial Directions

Planning Direction	Response
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Planning Proposal seeks to rezone land that is bushfire prone on the Murrumbidgee Bushfire Prone Land Map. Specifically, the land is classified as Vegetation Category 2.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction as the proposal seeks to rezone this land for public recreation purposes consistent with the current use of the land. Consequently, the bushfire risk will remain unaffected as a result of the proposed rezoning.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have ‘no objection to the draft Plan’s recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha’.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land contains a number of overstorey trees, but largely non-native groundcovers given it is actively maintained and managed as a public park. This is reflective of the fact that the State Vegetation map classifies the land as Non-native (PCT0).

Notwithstanding, the subject land is identified on Council's Terrestrial Biodiversity Map, which requires consideration of Clause 6.3 of MLEP. The Planning Proposal only seeks to rezone this land RE1 Public Recreation, which will not affect the biodiversity values of this land and will ensure it remains in public ownership.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.



Figure 55 – Extract of State Vegetation Map



Figure 56 – Extract of Terrestrial Biodiversity Map

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

The subject land is not known to be contaminated, nor is it identified as being flood prone.

The property is however identified as being bushfire prone (Vegetation Category 2) on the Murrumbidgee Bushfire Prone Land Map.

Given that the Planning Proposal only seeks to rezone this land RE1 Public Recreation to better reflect its current use and does not propose any further intensive development of this land, matters regarding bushfire are considered appropriate in this instance.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.



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

The Planning Proposal seeks to rezone the subject land from rural to public recreation to reflect the actual use of land. The rezoning of this land for this purpose will ensure that this reserve is maintained and managed ongoing as a public park, which will have a positive social and socio-economic benefits.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed for the purposes of a public park. Rezoning this land for this purpose will therefore not have any impact on utilities and services.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.12. Site 11 – Kyola Road, Coleambally

Address: Kyola Road, Coleambally

Property Description: Lots 96-99, DP750896 and Lot 116, DP720462

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land and replace it with a 5 hectare minimum lot size.

Figures showing the proposed changes are provided below.

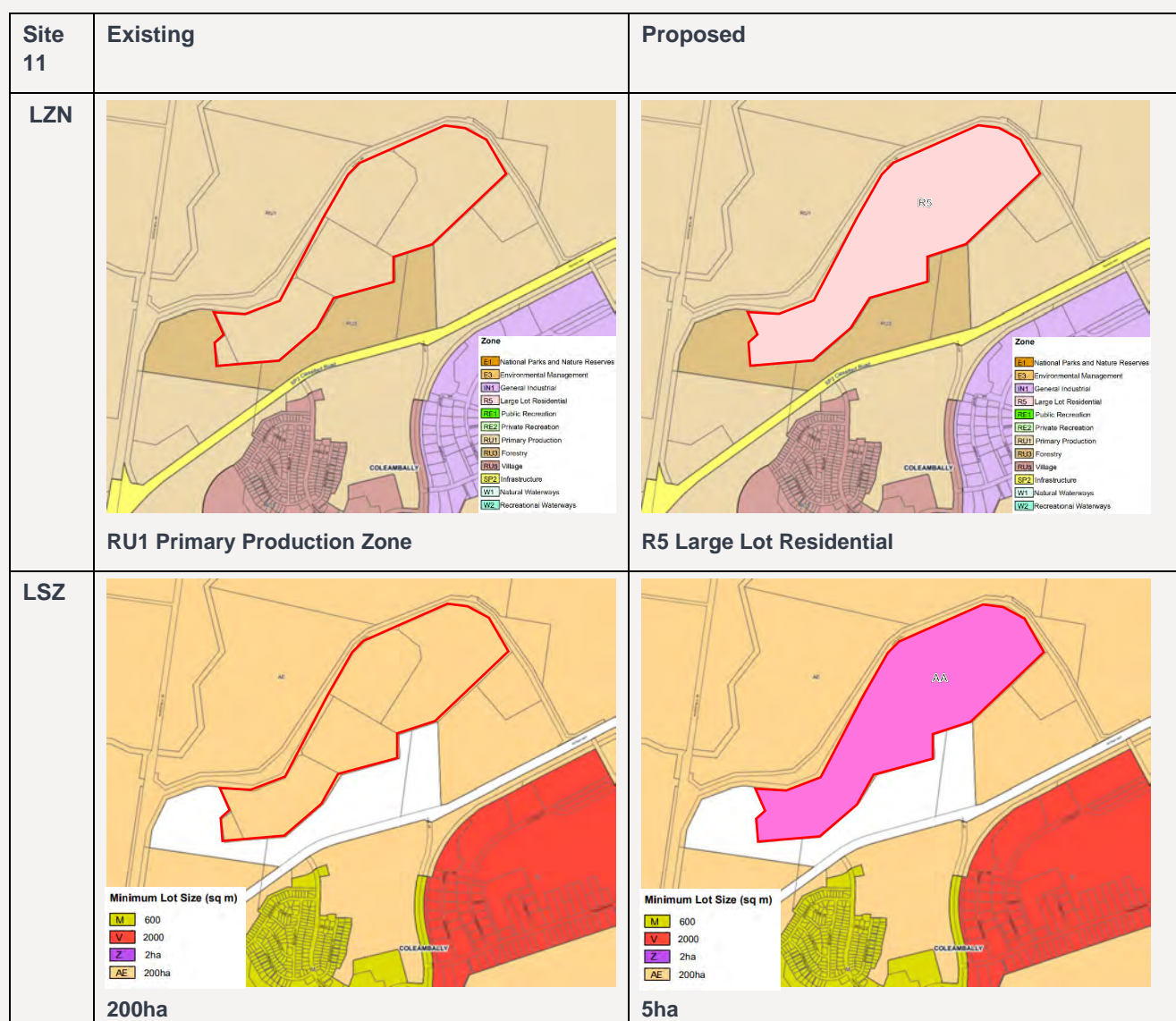


Figure 58 – Site 11: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes. Whilst it is acknowledged that agriculture is a potentially contaminating activity, following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of large lot residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 18 – Site 11: Section 9.1 Ministerial Directions

Planning Direction	Response
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land and adjoining land to the south may require an upgrade of Kyola Road in accordance with Council's engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes R5 Large Lot Residential zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the range and type of housing/lots (5ha) that is currently lacking within Coleambally.</p> <p>The provision of R5 zoned land with a minimum lot size of 5ha will benefit the community as it does not seek to increase the supply of conventional urban land that is already available within the township.</p> <p>The subject Planning Proposal will create approximately 15 new residential large lots, which will likely be developed in the interim given the current development aspirations of the landowners.</p> <p>The proposed works rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>

9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have ‘no objection to the draft Plan’s recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha’.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land is largely devoid of overstorey vegetation and comprises largely grasslands consisting of non-native paddock grasses (PCT0), the Plains Grass Grassland (PCT45), as well as smaller patches of Derived corkscrew grass (PCT165).

Similarly, a portion of the land is identified on Council’s Terrestrial Biodiversity Map, which requires consideration of the requirements of Clause 6.3 of MLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

Whilst it is acknowledged that the Planning Proposal seeks to rezone this land for large lot residential purposes, given the size of these lots (5ha+), the relatively low amount of native vegetation present on site and the expected low level of disturbance required to develop this land, native vegetation removal will be minimised and can be addressed as part of any subsequent Development Application submitted for the site.



Figure 59 – Extract of State Vegetation Map

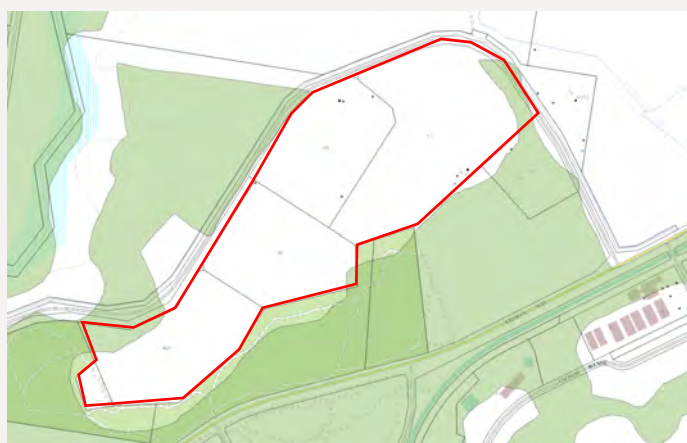


Figure 60 – Extract of Terrestrial Biodiversity Map

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

The subject land is not known to be contaminated and is also not identified as being flood prone or bushfire prone.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the range and type of residential allotments and housing available within Coleambally. At present, there is a lack of diversity in the type of housing available within the township. The rezoning of this land as proposed will seek to address this shortfall.

Whilst it is acknowledged that the subject land is located within an established rural area, this area is largely comprised of rural dwellings on lots less than the minimum lot size. Agricultural activities within this area are limited to broadacre agriculture and the subject land is buffered and separated from adjoining farming properties via Kyola Road and State Government owned forestry lot.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and road infrastructure. Council's engineers have confirmed that there is ample capacity within the existing reticulated water network, which will need to be augmented and extended to service this land.

Similarly, the land has access to Kyola Road the north, which may be required to be upgraded as part of the future development of this land. All other service connections are available to the site or could be made available.

Matters regarding sewerage have also been considered. In recognition of the size of the proposed allotments (5ha+), effluent will be disposed of on-site subject to the submission of a Land Capability Assessment at the time of development. The size of this block will allow for ample opportunities to dispose of effluent on-site without causing environmental harm, whilst also not placing any additional demands on Council's sewerage treatment plant.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.13. Site 12 – Kingfisher Avenue (Part) & Kookaburra Avenue (Part), Coleambally

Address: Kingfisher Avenue (Part) & Kookaburra Avenue (Part), Coleambally

Property Description: Lot 481, DP854919 and Part Lot 534, DP1097168

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to C3 Environmental Management. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land consistent with the other conservation zoned land within the LGA.

Figures showing the proposed changes are provided below.

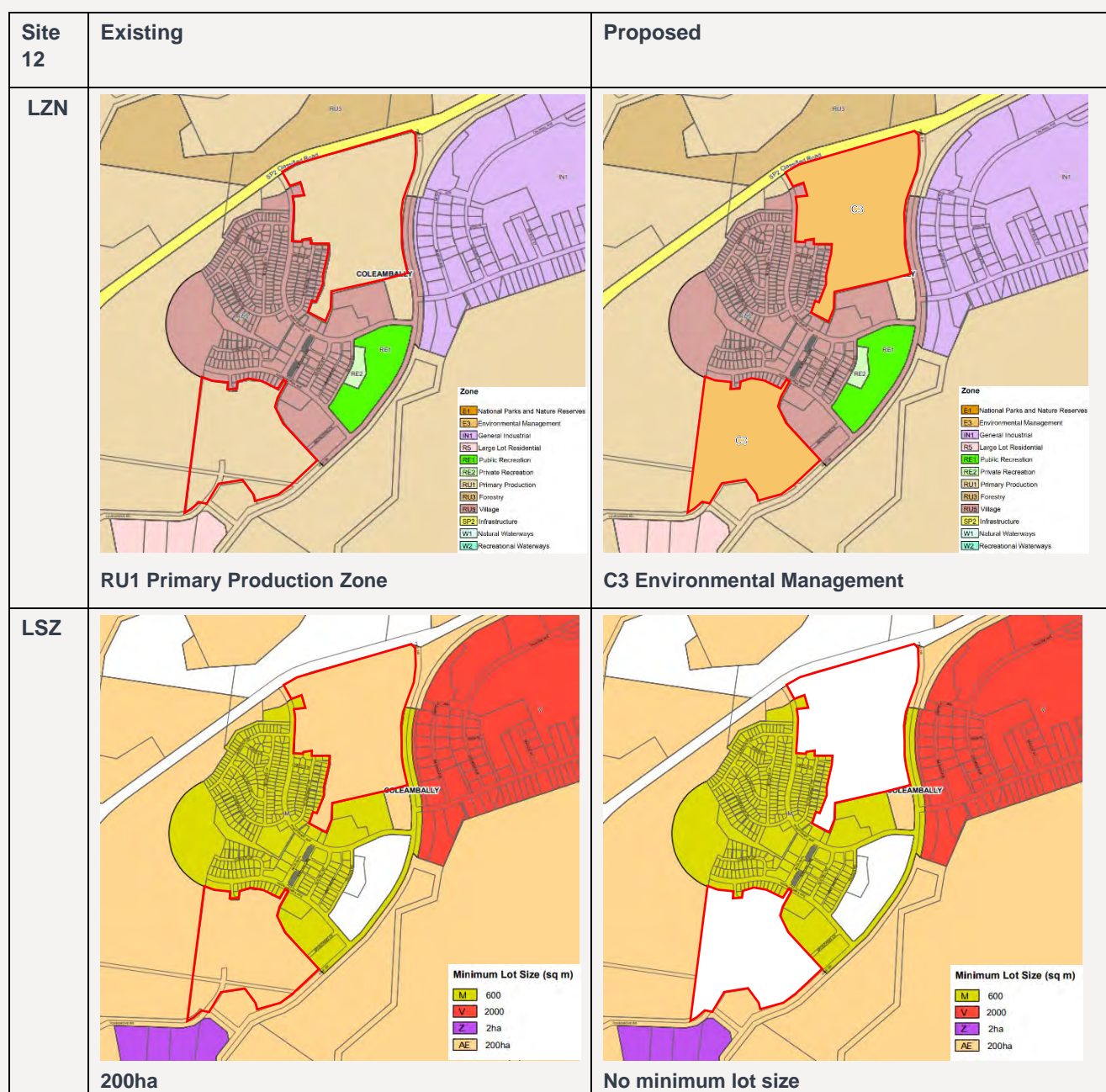


Figure 61 – Site 12: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ('Biodiversity SEPP'), which relates to vegetation in non-rural areas. The provisions of the Biodiversity SEPP apply to land outside of the rural zones including the C3 Environmental Management Zone.

The Planning Proposal is consistent with the aims and objectives of the Biodiversity SEPP as it seeks to better protect environmentally sensitive land that is also subject to significant natural hazards and constraints. This will ensure that development in this area, as well as, consequential tree removal is limited.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 19 – Site 12: Section 9.1 Ministerial Directions

Planning Direction	Response
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Planning Proposal seeks to rezone land that is bushfire prone on the Murrumbidgee Bushfire Prone Land Map. Specifically, the land is classified as Vegetation Category 2.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction as the proposal seeks to back zone this land to prevent the further development of this land in recognition of the high quality vegetation contained on-site, as well as the fact that the land is subject to a high bushfire hazard.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

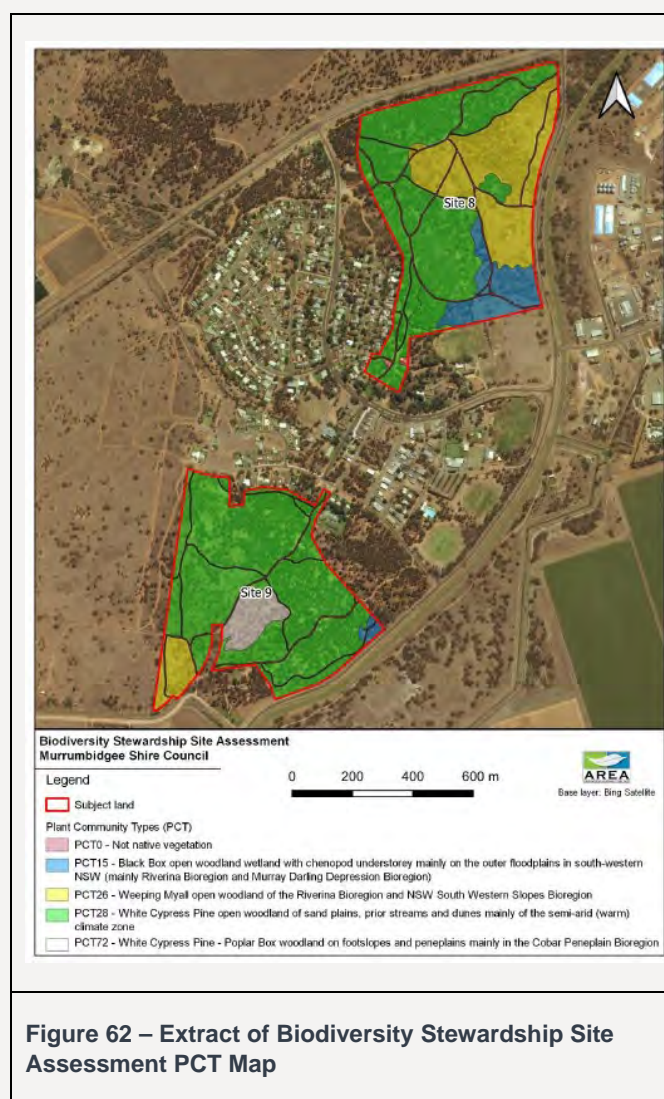
The subject land contains extensive areas of remnant native vegetation, which may contain critical habitat for threatened species or ecological communities. Specifically, the land primarily contains large areas of White Cypress pine woodlands (PCT28) and Weeping Myall (PCT26) with small patches of Black box open woodlands (PCT15).

The land is also identified on Council's Terrestrial Biodiversity Map.

A Biodiversity Stewardship Site Assessment Report was previously prepared by AREA Environmental and Heritage Consultants in support of the Land Use Plan in recognition of the high value biodiversity contained within this reserve.

For these reasons, the Planning Proposal seeks to rezone this land to better protect the environmental values of this land and ensure that it is not subject to development pressures. This will ensure the ongoing protection of this land.

It is also noted that Council seeks to back zone this land and also use it as an offset to develop other smaller parcels of adjacent land located on the fringe of the main habitat areas, whilst still achieving an overall positive outcome for the environment (see Item No's 9 and 10).

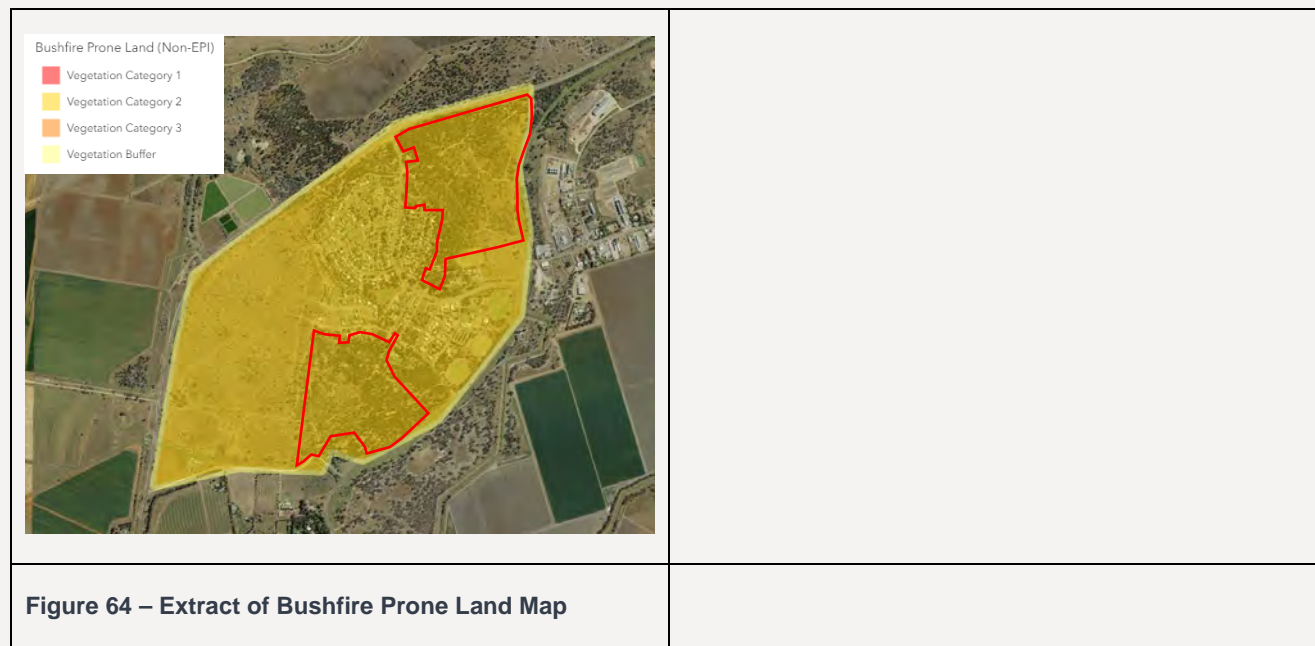


9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The subject land is not known to be contaminated, nor is it flood prone.

It is acknowledged however that the subject land is classified as bushfire prone (Vegetation Category 2) on the Murrumbidgee Bushfire Prone Land Map given the large amount of remnant vegetation contained on-site.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.



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

As outlined above, the subject land has significant biodiversity values that warrant protecting. For these reasons, the adoption of a conservation zone is considered the most appropriate zone from a social and economic perspective. Furthermore, the Planning Proposal seeks to set aside and protect this land to act as an offset for the development of other nearby land (see Item No's 9 and 10).

See Murrumbidgee Land Use Plan for further details.

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

The Planning Proposal does not seek to achieve development outcomes on the land and the land does not require access to infrastructure and services.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.14. Site 13 – Pine Drive, Coleambally (Coleambally Golf Course)

Address: Pine Drive, Coleambally (Coleambally Golf Course)

Property Description: Lot 95, DP750872

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to RE1 Public Recreation. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land consistent with the other recreation zoned land within the LGA.

Figures showing the proposed changes are provided below.

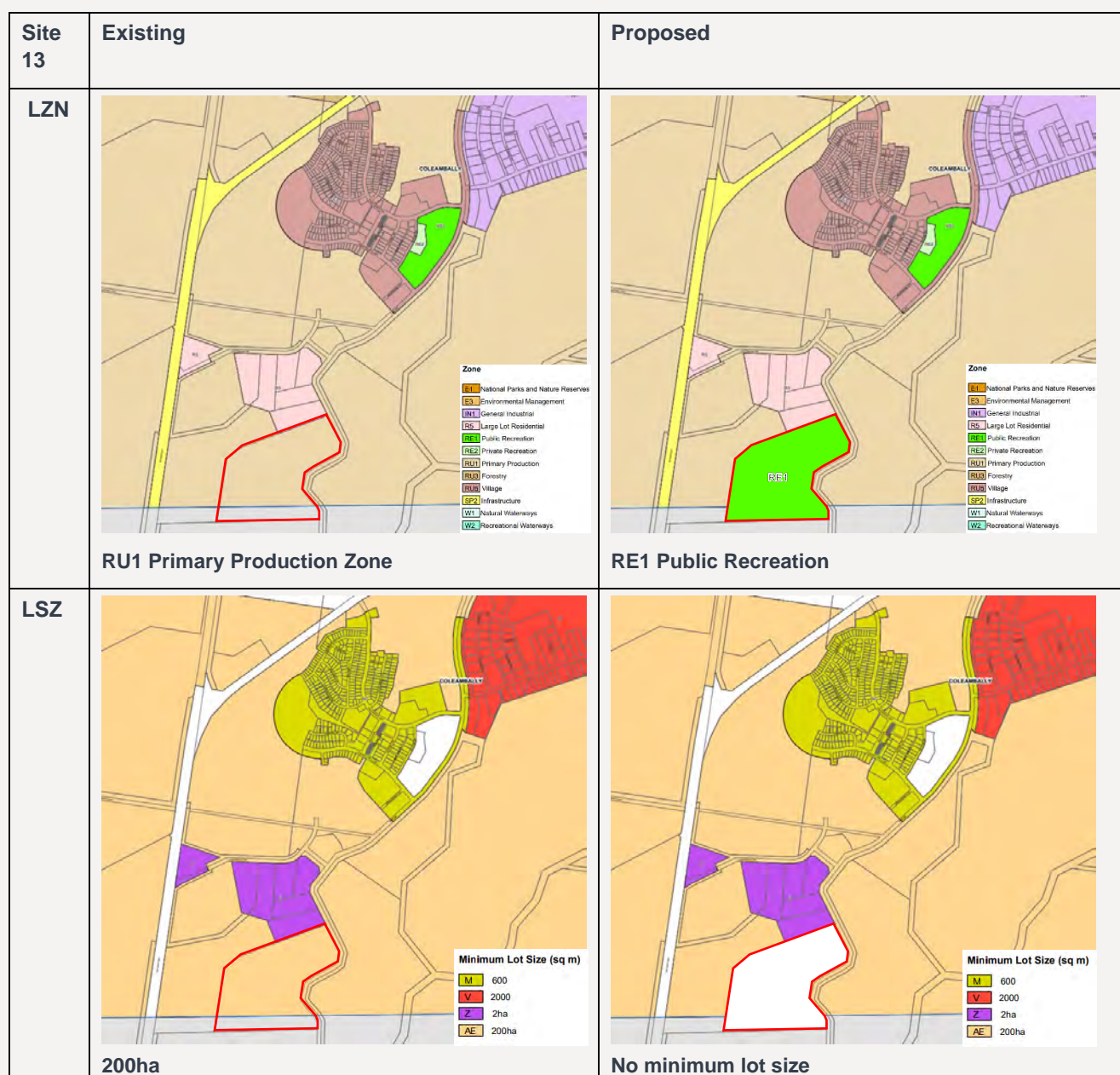


Figure 65 – Site 13: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Part 2.3 of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Specifically, Division 12 of this Chapter relates to Parks and other public reserves.

Whilst it is acknowledged that most developments typical of a recreation reserve such as walking tracks, seating, shelters, barbecue, play equipment and the like are permitted without consent on a public reserve, the application of a RE1 Public Recreation Zone is considered more appropriate as it is consistent with the recommendations of LEP Practice Note: PN 11-002 – *Preparing LEPs using the Standard Instrument: standard zones*.

The following commentary is provided under the RE1 Zone:

RE1 Public Recreation

This zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space...

The Planning Proposal seeks to rezone the land as RE1 Public Recreation as it is currently developed for the Coleambally Golf Course. Despite the fact that the golf course is only available to members, feedback received from NSW Crown Lands was that the land should be in an RE1 Public Recreation Zone, rather than a RE2 Private Recreation Zone.

The rezoning of this land will better reflect the current use of the land.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 20 – Site 13: Section 9.1 Ministerial Directions

Planning Direction	Response
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have ‘no objection to the draft Plan’s recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha’.</p>
9.2 – Rural Lands	See above further details.



Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land has been established as a golf course, which consists of managed fairways and associated sand bunkers (PCT0). Notwithstanding, large portions of the site contain remnant native vegetation comprising over-storey trees. Specifically, the south western portion of the site contains Cypress pine woodlands (PCT19)

Similarly, this same area of land is identified on Council's Terrestrial Biodiversity Map, which requires consideration of Clause 6.3 of MLEP. The Planning Proposal only seeks to rezone this land RE1 Public Recreation, which will not affect the biodiversity values of this land as it only seeks to better reflect the actual use of the land, rather than seeking to achieve additional development outcomes on-site.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

	
<p>Figure 66 – Extract of State Vegetation Map</p>	<p>Figure 67 – Extract of Terrestrial Biodiversity Map</p>

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

The subject land is not known to be contaminated, nor is it identified as being flood prone or bushfire prone.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

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

The Planning Proposal seeks to rezone the subject land from rural to public recreation to reflect the actual use of land. The rezoning of this land for this purpose will ensure that the golf club is maintained and managed ongoing, which will have a positive social and socio-economic benefits.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed for the purposes of a golf course. Rezoning this land for this purpose will therefore not have any impact on utilities and services.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.15. Site 14 – 46 Lovegrove Road, Coleambally

Address: 46 Lovegrove Road, Coleambally

Property Description: Lot 92, DP750872 and Part Lot 1, DP821577

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot General Residential. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land and replace it with a 2ha minimum lot size consistent with adjoining large lot zoned land.

Figures showing the proposed changes are provided below.

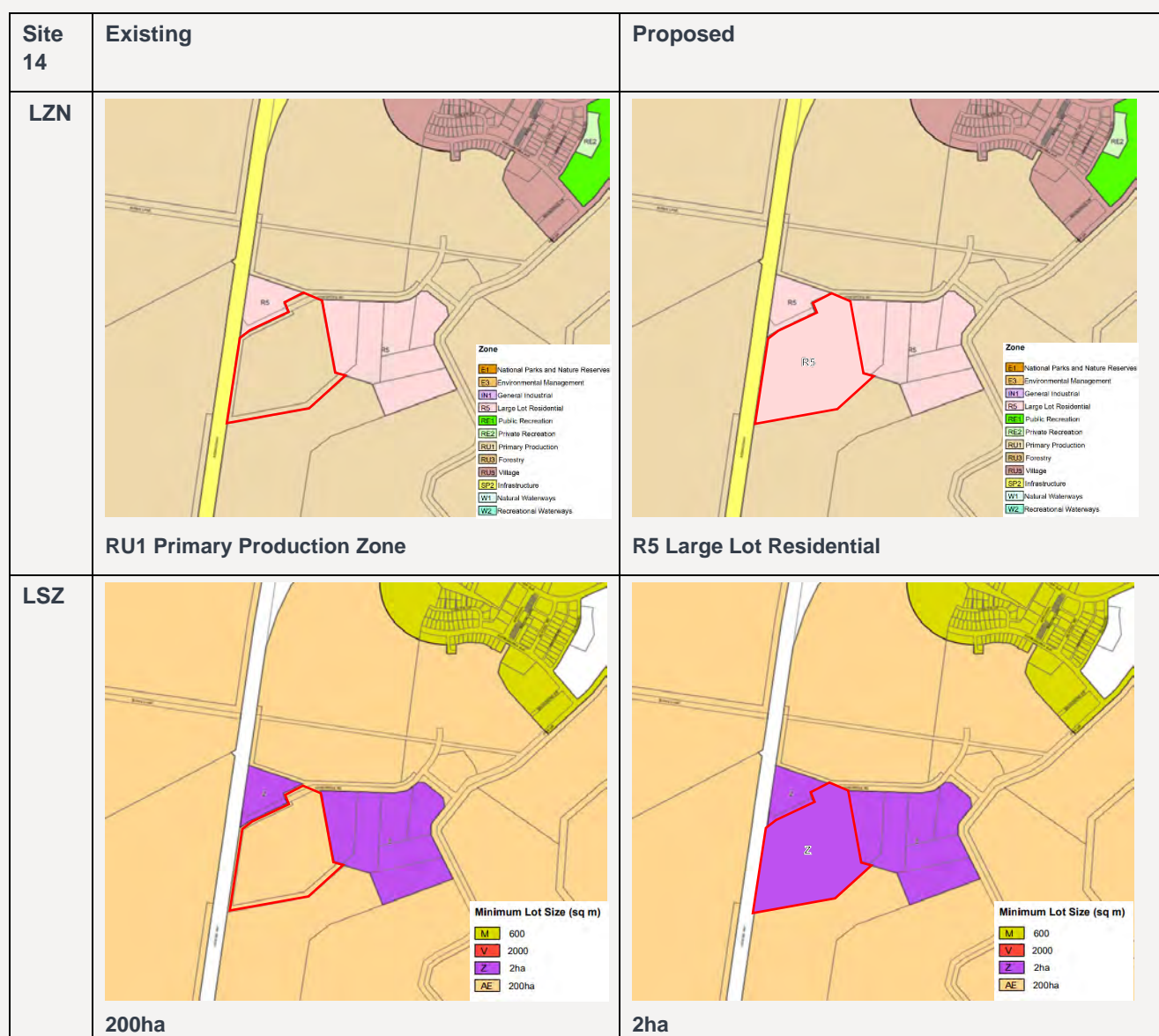


Figure 68 – Site 14: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes. Whilst it is acknowledged that agriculture is a potentially contaminating activity, following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of large lot residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 21 – Site 14: Section 9.1 Ministerial Directions

Planning Direction	Response
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as a very small portion of the subject land is identified as being bushfire prone (Vegetation Buffer).</p> <p>Whilst it is acknowledged that the subject Planning Proposal seeks to rezone the land to residential, given the very small proportion of the land identified as being bushfire prone and the large size of the lots proposed (2ha+), there are ample opportunities to place future dwellings, which will avoid the bushfire hazard.</p> <p>Any future development of this land will be undertaken in accordance with the NSW Rural Fire Service Guideline: <i>Planning for Bushfire Protection 2019</i>.</p>
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land will have access to the adjoining Lovegrove Road. Where necessary, this roadway will be upgraded in accordance with Council's engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes R5 Large Lot Residential zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the range and type of housing/lots (2ha) that is currently lacking within Coleambally.</p>

	<p>The provision of R5 zoned land with a minimum lot size of 2ha will benefit the community as it does not seek to increase the supply of conventional urban land that is already available within the township.</p> <p>The subject Planning Proposal will only create approximately 10 new large lot residential allotments, which equates to an additional land supply of 10 years. The rezoning of this land seeks to achieve some consistency with adjoining R5 zoned land along Lovegrove Road and the Coleambally Golf Course.</p> <p>The proposed works rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have ‘no objection to the draft Plan’s recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha’.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land is largely devoid of overstorey vegetation due to its previous agricultural use and comprises largely grasslands consisting of non-native paddock grasses (PCT0). Small patches of native vegetation are present around the perimeter of the site and include White cypress pine woodlands (PCT28) and Plains grass grassland (PCT45).

Similarly, a very small portion of the subject land is identified on Council’s Terrestrial Biodiversity Map, which requires consideration of the requirements of Clause 6.3 of MLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

Whilst it is acknowledged that the Planning Proposal seeks to rezone this land for large lot residential purposes, given the size of these lots (2ha+), the level of disturbance and removal of native vegetation can be minimised and avoided as part of any subsequent Development Application submitted for the site.



Figure 69 – Extract of State Vegetation Map



Figure 70 – Extract of Terrestrial Biodiversity Map

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

The subject land is not known to be contaminated, nor is it identified as being flood prone.

It is acknowledged however that a very small portion of the site is classified as bushfire prone (Vegetation buffer) on the Murrumbidgee Bushfire Prone Land Map. Notwithstanding, given that only a very small proportion of the land is identified as being bushfire prone, as well as the fact that the lots are large in size (2ha+), there are ample opportunities to place future dwellings, which will avoid the bushfire hazard.

Any future development of this land will be undertaken in accordance with the NSW Rural Fire Service Guideline: *Planning for Bushfire Protection 2019*.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.



Figure 71 – Extract of Bushfire Prone Land Map

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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the range and type of residential allotments and housing available within Coleambally. At present, there is a lack of diversity in the type of housing available within the township. The rezoning of this land as proposed will seek to address this shortfall.

The subject land adjoins other land zoned R5 Large Lot Residential, which has been developed for residential lifestyle purposes. The rezoning of this land seeks consistency with this land and will provide approximately 10 additional lots, which will service the needs of the community.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)**11. Is there adequate public infrastructure for the planning proposal?**

The subject land can be appropriately serviced with water and road infrastructure. Council's engineers have confirmed that there is ample capacity within the existing reticulated water network, which will need to be augmented and extended to service this land.

Similarly, the land has access to Lovegrove Road the north, which may be required to be upgraded as part of the future development of this land. All other service connections are available to the site or could be made available.

Matters regarding sewerage have also been considered. In recognition of the size of the proposed allotments (2ha+), effluent will be disposed of on-site subject to the submission of a Land Capability Assessment at the time of development. The size of this block will allow for ample opportunities to dispose of effluent on-site without causing environmental harm, whilst also not placing any additional demands on Council's sewerage treatment plant.

Section E – State and Commonwealth Interests**12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.16. Site 15 – 119 Lovegrove Road & Kidman Way, Coleambally

Address: 119 Lovegrove Road & Kidman Way, Coleambally

Property Description: Lot 465, DP862112, Lot 1, DP759789 and Lot 219, DP245106

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to SP2 Infrastructure. The proposal also seeks to remove the current 200 hectare minimum lot size that applies to this land consistent with the other infrastructure zoned land within the LGA.

Figures showing the proposed changes are provided below.

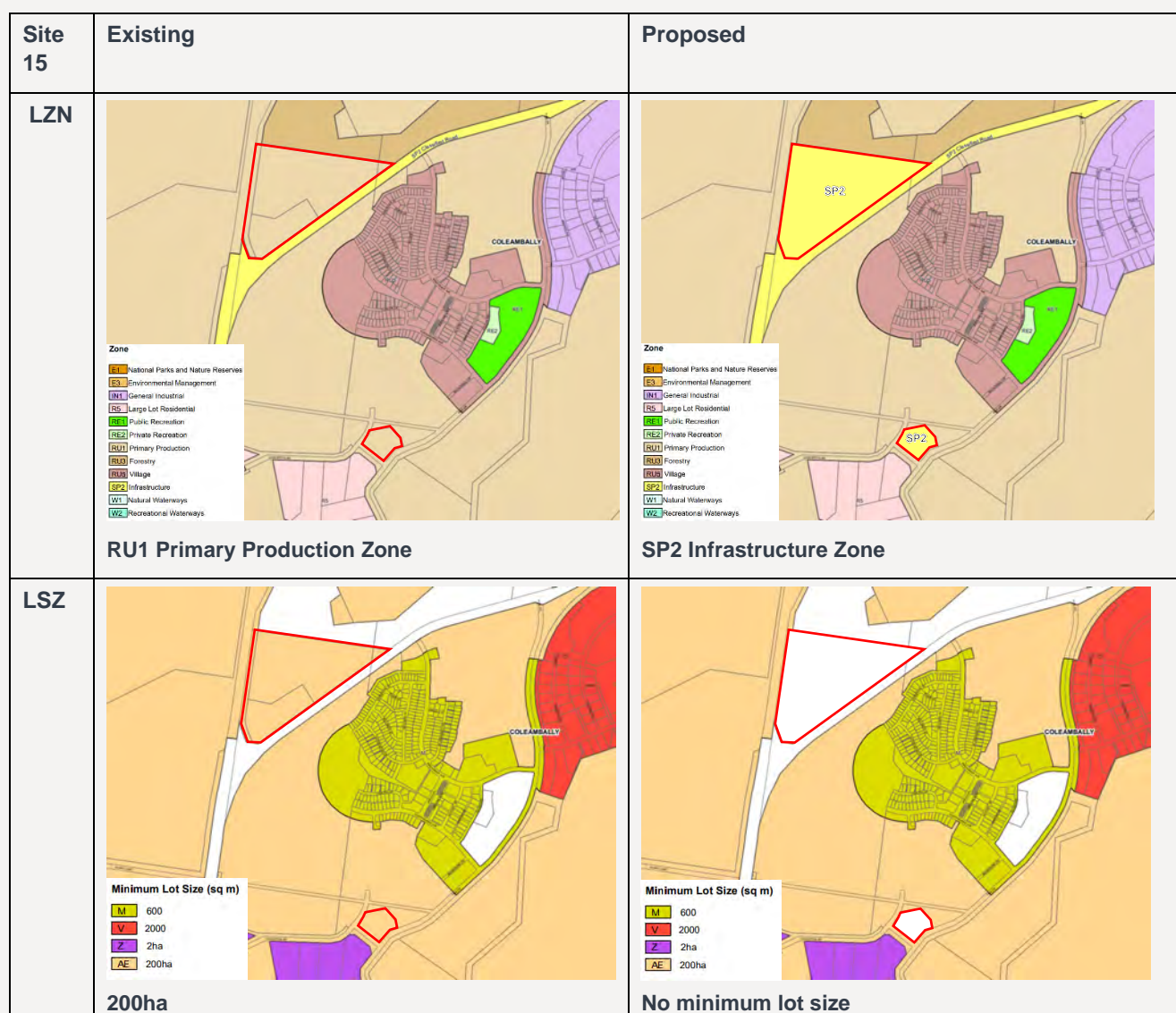


Figure 72 – Site 15: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Part 2.3 of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Specifically, Division 18 of this Chapter relates to Sewerage Systems.

Whilst it is acknowledged that the current RU1 Primary Production zoning of the land is a prescribed zone under this SEPP for this use, the application of a SP2 Infrastructure Zone is considered more appropriate as it is consistent with the recommendations of LEP Practice Note: PN 11-002 – *Preparing LEPs using the Standard Instrument: standard zones*.

The following commentary is provided under the SP2 Zone:

SP2 Infrastructure

Infrastructure land that is highly unlikely to be used for a different purpose in the future should be zoned SP2, for example ‘cemeteries’ and major ‘sewage treatment plants.’

The Planning Proposal seeks to rezone land currently used as Council’s Sewerage Treatment Plant and cemetery. This will better reflect the current use of the land and recognises that these properties are highly unlikely to be used for another purpose in the future.

Consistent with the requirements of this Practice Note, the land will be annotated on the LEP map as “Sewerage Systems” and “Cemetery”.

Whilst it is noted that the higher order definition of the term sewerage treatment plant has been used, this is to provide flexibility should the range of activities increase on this site (for example water recycling).

Given the nature of the current activities conducted on this site, should the land ever be proposed to be developed or used for alternative purposes, consideration will need to be given to Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (‘the SEPP’), which relates to the remediation of land. Consideration of this SEPP is not required as part of the current Planning Proposal as the land is already being developed for this purpose.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 22 – Site 15: Section 9.1 Ministerial Directions

Planning Direction	Response
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have ‘no objection to the draft Plan’s recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha’.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>

9.2 – Rural Lands	See above further details.
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Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject Planning Proposal is not expected to adversely affect critical habitat for threatened species or ecological community given the site is already used for public infrastructure purposes (sewerage works and cemetery).

It is acknowledged however that the northern portion of the site does contain remnant vegetation comprising Weeping Myall (PCT26) and Cypress pine woodlands (PCT19) on the State Vegetation Map.

Similarly, this same general area of land is identified on Council's Terrestrial Biodiversity Map, which requires consideration of Clause 6.3 of MLEP. The Planning Proposal only seeks to rezone this land to SP2 Infrastructure, which will not affect the biodiversity values of this land as it only seeks to better reflect the actual use of the land, rather than seeking to achieve additional development outcomes on-site.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.



Figure 73 – Extract of State Vegetation Map



Figure 74 – Extract of Terrestrial Biodiversity Map



Figure 75 – Extract of State Vegetation Map



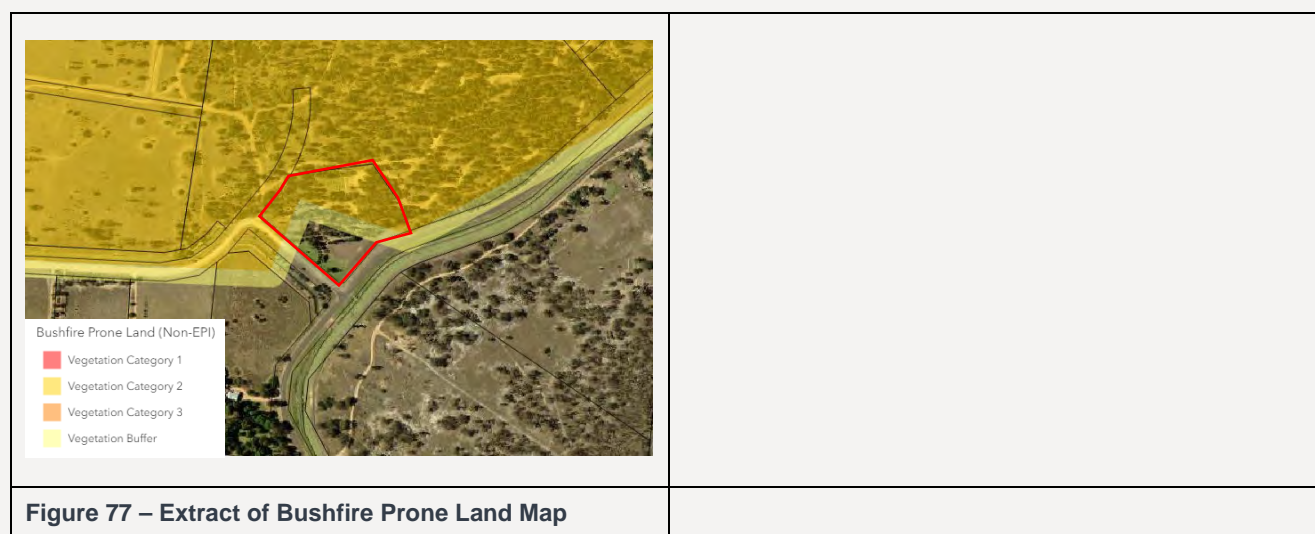
Figure 76 – Extract of Terrestrial Biodiversity Map

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

The subject land is not known to be contaminated, nor are they identified as being flood prone or bushfire prone.

It is acknowledged however that the subject land is classified as bushfire prone (Vegetation Category 2) on the Murrumbidgee Bushfire Prone Land Map given the large amount of remnant vegetation contained on-site. Notwithstanding, this is considered appropriate in this instance as the rezoning of the land only seeks to reflect its current use as a cemetery.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.



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

The proposal has appropriately considered social and economic effects. As outlined above, the subject land is already developed and used for the purposes of public utilities and represents critical infrastructure for the ongoing development and growth of Coleambally.

The purpose of the Planning Proposal is to rezone this land to better reflect its current use and provide greater protection of this critical infrastructure.

As the land is already developed, there will be no change to social and economic impacts.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed and does not require any augmentation of existing infrastructure or services.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.17. Site 16 – 6 Channel Nine Road, Coleambally

Address: 6 Channel Nine Road, Coleambally

Property Description: Lot 1, DP849678

Description: The proposed amendment seeks to rezone the subject land from R5 Large Lot Residential to RU1 Primary Production. The proposal also seeks to remove the current 2 hectare minimum lot size that applies to this land and replace it with a 200 hectare minimum lot size consistent with the other rural zones of the LGA.

Figures showing the proposed changes are provided below.



Figure 78 – Site 16: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

There are no SEPP's relevant to the proposed rezoning.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 23 – Site 16: Section 9.1 Ministerial Directions

Planning Direction	Response
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>Given that the subject land is already developed and the Planning Proposal seeks to back zone this property consistent with the surrounding land uses, the proposal will not have any impacts on transport and traffic.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes R5 Large Lot Residential zone).</p> <p>The Planning Proposal is justifiably inconsistent with the aims and objectives of this Direction as it seeks to back zone a parcel of land from R5 Large Lot Residential to RU1 Primary Production.</p> <p>Whilst it is acknowledged that this land is already developed, the residential zoning of this land within an established rural area is considered an anomaly as it represents a spot zoning. Given that the land is already developed and cannot be further subdivided due to its size, it is recommended that the site be back zoned to rural.</p> <p>As the land is already developed, the property is considered an existing holding and has a valid dwelling entitlement in accordance with Clause 4.2B of the LEP.</p> <p>For this reason, the Planning Proposal will not reduce the residential density of the land and seeks to establish a more definitive boundary between the main township and outlying rural areas (urban containment line).</p>
9.1 – Rural Zones	<p>The subject Planning Proposal is consistent with the aims and objectives of this Direction as it seeks to rezone land to RU1 Primary Production.</p> <p>As outlined in response, to Direction 6.1, although the land is already developed, the back zoning of this land will result in a more definitive boundary between the main township and outlying rural areas (urban containment line).</p>

9.2 – Rural Lands	See above further details.
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Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land contains areas of remnant vegetation, as well as planted vegetation around the existing dwelling. More specifically, the land contains areas of non-native paddock grasses (PCT0) but does however contain areas of Black box grassy woodland (PCT16).

The land is also identified on Council's Terrestrial Biodiversity Map, which requires consideration of Clause 6.3 of MLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

In summary, as the Planning Proposal seeks to back zone the land, existing native vegetation will be retained ongoing.



Figure 79 – Extract of State Vegetation Map



Figure 80 – Extract of Terrestrial Biodiversity Map

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

The subject land is not known to be contaminated, nor is identified as being flood prone or bushfire prone.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

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

The Planning Proposal seeks to back zone the subject land from R5 Large Lot Residential to RU1 Primary Production.

Whilst it is acknowledged that this land is already developed, the residential zoning of this land within an established rural area is considered an anomaly as it represents a spot zoning. Given that the land is already developed and cannot be further subdivided due to its size, it is recommended that the site be back zoned to rural.

As the land is already developed, the property is considered an existing holding and has a valid dwelling entitlement in accordance with Clause 4.2B of the LEP.

For this reason, the Planning Proposal will not reduce the development potential of the land and seeks to establish a more definitive boundary between the main township and outlying rural areas (urban containment line).

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed and the back zoning of this land will not alter existing infrastructure and service arrangements.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

Jerilderie

4.18. Site 17 – Conargo Road, Jerilderie

Address: Conargo Road, Jerilderie

Property Description: Part Lot 80, DP1225744

Description: The proposed amendment seeks to rezone a portion of the subject land from RU1 Primary Production to RU5 Village. The proposal also seeks to reduce the minimum lot size from 213ha to 600m² consistent with the other village zoned land across the LGA.

A number of other consequential changes are also proposed including an amendment to the Heritage Map and Terrestrial Biodiversity Map.

Figures showing the proposed changes are provided below.

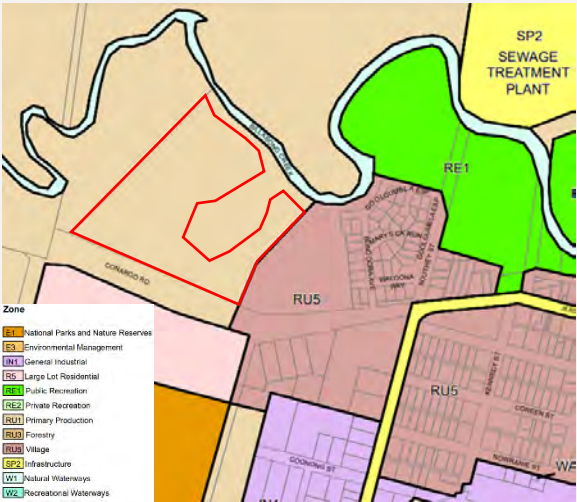
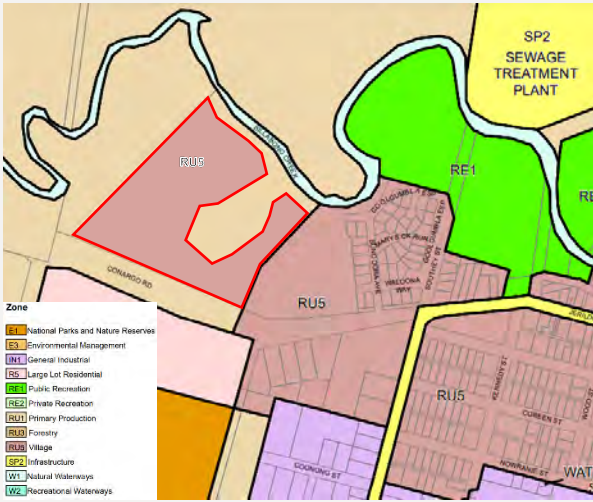
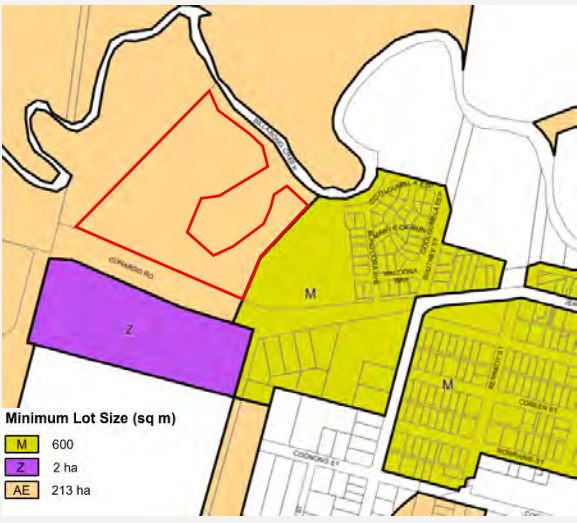
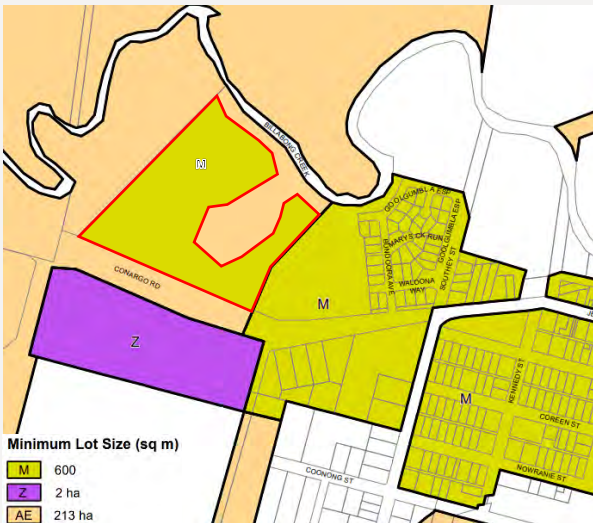
Site 17	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>RU5 Village Zone</p>
LSZ	 <p>213ha</p>	 <p>600m²</p>



Figure 81 – Site 17: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes. Following a review of previous site history, it is noted however that a former sheep dip ('Curtin's Sheep Dip') was located in the north western portion of the land immediately adjacent to Billabong Creek. In recognition of this former activity, the proposed land rezoning seeks to avoid the north western portion of the site and retain this in a rural zone.

Consequently, the proposed rezoning avoids areas of potential land contamination, which is consistent with the aims and objections of this SEPP.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 24 – Site 17: Section 9.1 Ministerial Directions

Planning Direction	Response
3.1 – Conservation Zones	<p>The provisions of Direction 3.1 apply as the Planning Proposal seeks to amend the Terrestrial Biodiversity Map of the LEP as outlined in Figure 81.</p> <p>The Planning Proposal is considered to be justifiably inconsistent with the aims and objectives of this Direction despite seeking to reduce the amount of area mapped as Terrestrial Biodiversity, as it retains areas of extant remnant vegetation (River red gums) namely located along Billabong Creek and contained within a backwater as environmentally sensitive.</p> <p>The amendment of this map is considered to more accurately reflect the environmental values of the land and is considered to be of minor significance as the area to be removed from the map largely consists of non-native vegetation.</p> <p>Similarly, the proposed change is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
3.2 – Heritage Conservation	<p>The provisions of Direction 3.2 apply to all Planning Proposals and is relevant in this instance as the proposal seeks to amend the Heritage Map of the LEP.</p> <p>Specifically, the subject land is identified as Archaeological Item A1 – Parks Homestead within Schedule 5 of JLEP. Whilst the whole site is currently mapped as being an archaeological item within this Plan, it is clarified that only a small portion of the subject land actually contains the former homestead site, which adjoins Billabong Creek in the north east corner of the property.</p> <p>A Historical Heritage Assessment & Heritage Impact Statement has previously been prepared by Black Mountains Projects confirming the actual location of this item. A copy of this report is included with the subject Planning Proposal.</p> <p>Upon confirmation of the location of this item, the Planning Proposal seeks to adjust the spatial location of this heritage item to more accurately reflect its location, thereby ensuring its ongoing protection into the future.</p> <p>It is noted that the Planning Proposal does not seek to change the existing heritage protection controls that apply to this land, but rather better reflect the actual location of this archaeological item.</p>
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for residential purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the Planning Proposal is justifiably inconsistent with this direction, despite applying to land that is partially identified as being flood prone. As outlined above, the subject land was previously nominated as part of the preparation of JLEP for RU5 purposes, but was however removed due to concerns regarding flooding.</p>

	<p>As a consequence, the Jerilderie Flood Study was prepared and finalised in August 2014. The preparation of the Jerilderie Flood Study was undertaken in accordance with the NSW Government's Flood Prone Land Policy and the principles contained within the Floodplain Development Manual 2005.</p> <p>This Study confirmed that the majority of the subject land is located above the 1:100 Year ARI Flood Event as outlined in Figure B1 of this Plan and can therefore be considered appropriate for development. This Study informed the basis of the proposed rezoning request and it is noted that a majority of the land identified as being flood prone will be retained within the RU1 Primary Production Zone (located around a central backwater and adjoining Billabong Creek), which is consistent with the requirements and objectives of this Direction.</p> <p>Following a further review of this flood study it is also confirmed that the subject land has only been identified as being of 'low hazard' for the purposes of flooding. Likewise, the subject land for the most part is only classified as being 'flood fringe' and is not identified as being 'flood storage' or a 'flood way' with the exception of that land proposed to be retained within the RU1 zone.</p> <p>The development outcomes sought by this planning proposal are therefore considered to be generally consistent with the objectives and requirements of this direction as it seeks to retain the majority of the flood prone land within the RU1 zone, which will therefore limit or minimise the potential impacts of development on wider flood prone lands.</p> <p>In addition:</p> <ul style="list-style-type: none"> • The subject land is accessible with frontage to a public road that leads away from the area of flooding. • The future development of this land will not result in significant flood impacts to surrounding properties; • The proposal does not seek to develop the land for a sensitive use such as a child care, hospital, seniors housing, group home or the like; • The rezoning of this land will not allow for development of this land to be carried out without development consent; • The rezoning will not require an increase in government spending of emergency management services; • The rezoning is consistent with the recommendations of the Jerilderie Flood Study; • The rezoning is consistent with the recommendations of Murrumbidgee Land Use Plan. <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>
<p>5.1 – Integrating Land Use and Transport</p>	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>As part of the future development of this land, further consideration will be given to matters regarding traffic and access.</p>

6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes the RU5 Village zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it seeks to rezone additional land for residential purposes, which responds to demands for the additional supply of housing within close proximity to an established regional town.</p> <p>As outlined above, the subject land is already developed for the purposes of a residential dwelling. Given the current RE1 Public Recreation zoning of the land, this dwelling has to operate under existing use rights, which limits the development opportunities of this land. Therefore, the rezoning of this land will better reflect the current use of the land, which will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that Council is currently developing the adjoining land to the east for a 37 lot residential subdivision. All of stage 1 of this subdivision has been sold and so too has a portion of stage 2. Of these 37 lots, nine (9) have already been sold off the plan with four (4) additional lots being earmarked for a seniors independent living.</p> <p>Based on current uptake rates, there is approximately 5 to 10 years land supply for residential development within Jerilderie based on 5-6 houses being constructed per annum and the trend that older housing stock is being demolished and replaced at the rate of 1 or 2 per annum.</p> <p>Consequently, the proposed rezoning of this land will form an extension of the adjoining Wunnamurra Estate. A concept subdivision plan has been prepared with larger lot sizes, which could cater for up to 24 lots, which equates to an additional land supply of approximately 5 years.</p> <p>Accordingly, the rezoning of the subject land for residential purposes is seen to cater for the ongoing demand for residential land and ensures that Council has enough appropriately residential zoned land to meet current and future demands.</p> <p>In summary, the Planning Proposal is consistent with this direction as:</p> <ul style="list-style-type: none"> • it broadens the choice and locations of land for housing; • will make efficient use of existing reticulated infrastructure currently servicing the land immediately to the east of the subject land; • will reduce the consumption of land for urban development on the urban fringe in already established rural and agricultural areas (the site is currently relatively isolated and not used for productive agricultural purposes); • has been designed to minimise the impact of residential development on environmental lands through the retention of environmentally sensitive lands within the RU1 zone; and • it provides for the future housing needs of local residents.
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p>

9.2 – Rural Lands	See above further details.
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Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The area of the proposed rezoning is largely devoid of overstorey vegetation with the exception of a few scattered trees. Vegetation on-site consists of Forb-rich speargrass – Windmill grass (PCT44), as well as large areas of River red gums – Wallaby Grass (PCT9) and River red gums – Warrego Grass (PCT7), namely along Billabong Creek and drainage back-runner.

The land is wholly or partly mapped on Council's Terrestrial Biodiversity Map, Riparian Lands and Watercourses Map and Wetlands Map, which requires consideration of the requirements of Clauses 6.3, 6.6 and 6.7 of JLEP. The portion of land located alongside Billabong Creek located outside of the proposed study area is also identified on the NSW Government's Biodiversity Values Map.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

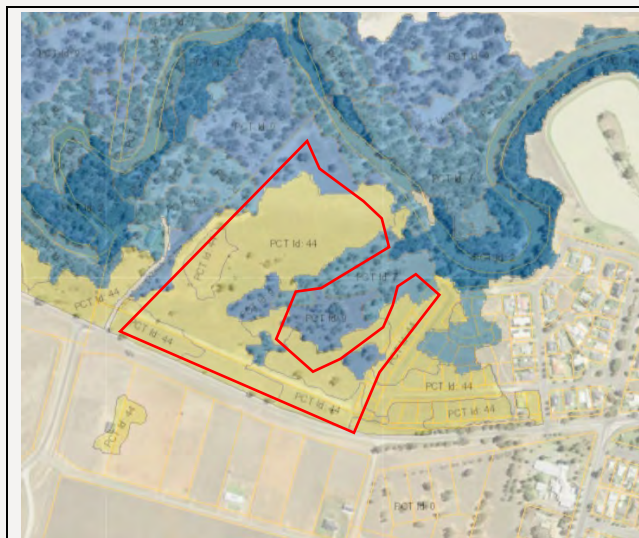


Figure 82 – Extract of State Vegetation Map



Figure 83 – Extract of Terrestrial Biodiversity Map



Figure 84 – Extract of Biodiversity Values Map



Figure 85 – Extract of Wetlands Map

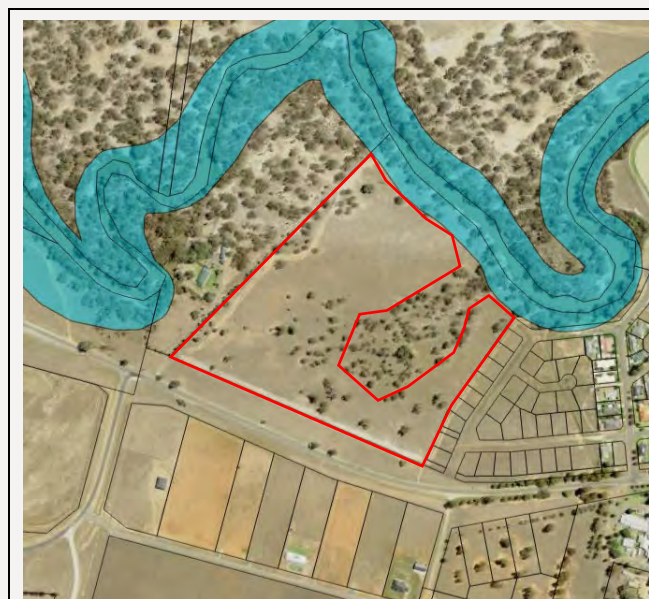


Figure 86 – Extract of Riparian Lands and Waterway Map

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

Matters regarding land contamination have previously been addressed in response to SEPP Resilience and Hazards 2021. Similarly, the land is not classified as bushfire prone.

It is noted however that the subject land is identified as being flood prone in the Jerilderie Flood Study. Specifically, the subject land is identified Flood Fringe, Flood Storage and Floodway. In recognition of the flooding conditions of the land, as well as matters regarding heritage and biodiversity, the Planning Proposal seeks to limit the rezoning to only those portions of the land classified as flood fringe with a low hazard rating. Those remaining portions of the site classified as high hazard within a floodway or providing flood storage have been avoided.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

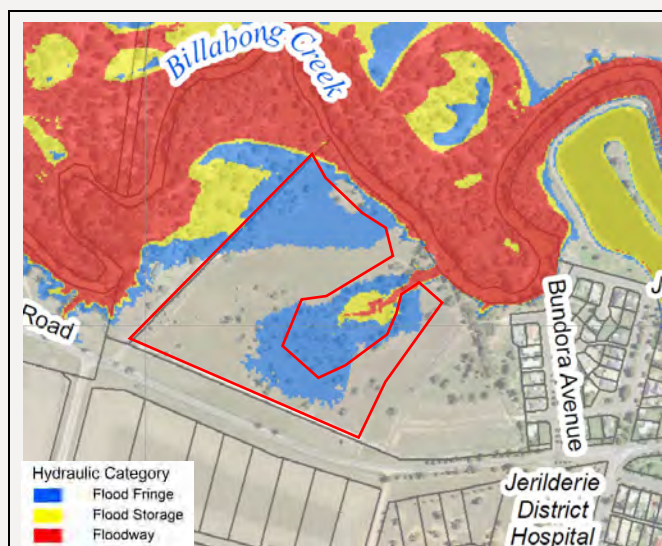


Figure 87 – Extract of 1 in 100 Year ARI Flood Map

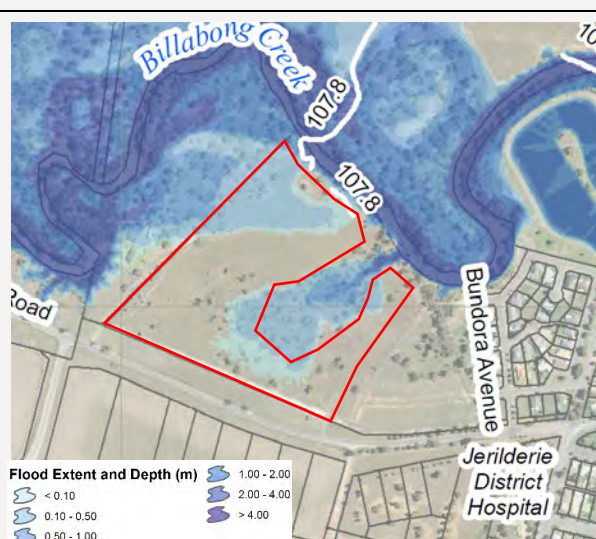
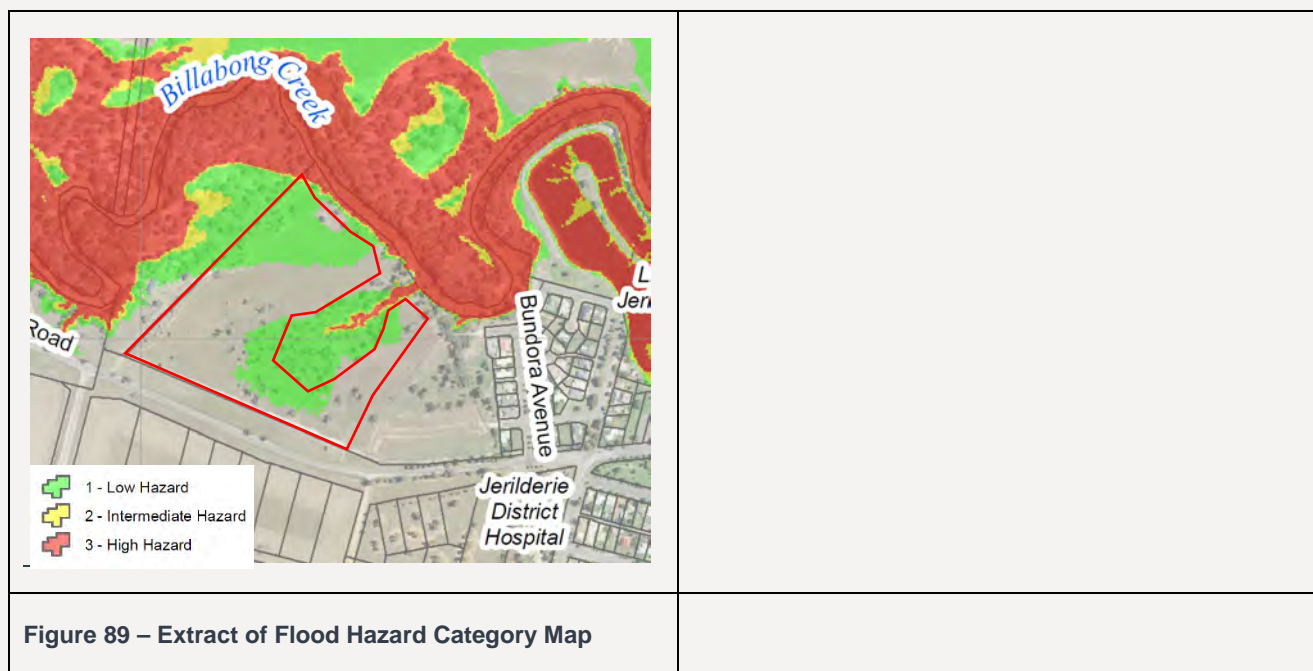


Figure 88 – Extract of Flood Extent and Depth Map



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

The subject Planning Proposal has considered the likely social and economic effects of the development outcomes sought on-site and will generally have a positive outcome in regards to these matters.

Rezoning part of the subject land to RU5 Village is considered to have a positive social and economic impact upon the wider Jerilderie community and will respond to ongoing demands for residential land and housing. As outlined above, Jerilderie only has approximately 5-10 years supply of residential zoned land remaining and therefore there is a need to ensure that Council maintains an appropriate level of residential land supply and choice into the future.

The subject land is centrally located and is only 800m from the main street of Jerilderie on the urban fringes of this rural township. As a consequence, the land is well serviced in terms of proximity and availability of infrastructure and services such as water, sewer, roads, electricity and telecommunications. Due to the sites' location it is also well serviced in terms of community infrastructure such as community facilities, schools, hospitals and parks, which will all service the future development of this land.

These services are appropriately sized and have enough capacity to cater for the likely growth and demands created by the subject Planning Proposal.

Similarly, the proposed area to be rezoned has been determined having regard to the environmental attributes of the land and seeks to avoid areas of flooding and areas of dense and well-established vegetation by retaining a portion of the current RU1 zoning over a portion of the subject land.

Matters regarding heritage have also been appropriately considered as part of the Planning Proposal. In particular, it is noted that the subject land is identified as Archaeological Item A1 – Parks Homestead within Schedule 5 of JLEP. Whilst the whole site is currently mapped as being an archaeological item within this Plan, it is clarified that only a small portion of the subject land actually contains the homestead site, which adjoins Billabong Creek. As a consequence, the Planning Proposal seeks to adjust the spatial location of this heritage item to more accurately reflect its location, thereby ensuring its ongoing protection into the future.

In summary, the subject Planning Proposal is considered to have a number of positive social and economic impacts.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

Adequate public infrastructure is available to service the subject land should it be rezoned RU5 village and developed for residential purposes.

It is noted that the adjoining land located immediately to the east of the subject land has recently been developed for a council-owned residential estate. As a consequence, all urban infrastructure and services are already located within close proximity to the subject land and can be extended to service this site in accordance with Clause 6.8 of JLEP.

Due to the location of the subject land on the fringe of the main street of Jerilderie, the site is also located within close proximity to other public/community infrastructure and services such as schools, parks, hospitals and other community facilities.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

Furthermore, it is reiterated that the Planning Proposal has been prepared based on the recommendations of the previously completed Jerilderie Flood Study. It is noted that both NSW Office of Water and NSW Biodiversity Conservation Division were involved and consulted as part of the preparation of this Flood Study. In particular, NSW BCD had a representative on the Floodplain Risk Management Committee.

4.19. Site 18 – 25-27 Southey Street, Jerilderie

Address: 25-27 Southey Street, Jerilderie

Property Description: Lots 205 & 206, DP230764

Description: The proposed amendment seeks to rezone the subject land from E4 General Industrial (formerly IN1) to RU5 Village. The proposal also seeks to add a 600m² minimum lot size consistent with the other village zoned land across the LGA.

Figures showing the proposed changes are provided below.



Figure 90 – Site 18: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the SEPP'), which relates to the remediation of land. Whilst it is acknowledged that the subject land is zoned industrial (now employment zone), the land is developed for the purposes of aged care housing ('Legacy').

The land has been used for this purpose for 30+ years and the subject Planning Proposal seeks to correct an error in the land zoning map to ensure consistency with the other half of the aged care development directly to the north.

Following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of aged care housing.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 25 – Site 18: Section 9.1 Ministerial Directions

Planning Direction	Response
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>As outlined above, the subject land is already developed for the purposes of aged care housing and the Planning Proposal seeks to amend the Land Zoning map to correct an error as the land is inadvertently zoned industrial (employment).</p> <p>Therefore, the proposed rezoning will not alter existing traffic, access and parking arrangements.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes the RU5 Village zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it seeks to rezone land for residential (Village) purposes. As outlined above, the site is already developed for aged care housing and the Planning Proposal only seeks to correct an error in the Land Zoning map.</p> <p>The proposed rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
7.1 – Employment Zones	<p>The provisions of Direction 7.1 apply as the Planning Proposal affects land within an existing or proposed employment zone (this includes the IN1/E4 zone).</p>

	<p>The subject Planning Proposal is justifiably inconsistent with the aims and objectives of this Direction as it seeks to reduce the amount of industrial (employment) zoned land. Notwithstanding, as outlined above, the subject land has been developed for the purposes of aged care housing and is not used for industrial purposes.</p> <p>Consequently, the rezoning of this land seeks to better reflect the actual use of the land and in reality will not reduce the amount of available industrial (employment) zoned land.</p>
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Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land does not contain any environmental features and comprises non-native vegetation (PCT0) according to the State Vegetation Map.

Similarly, the land is not identified on Council's Terrestrial Biodiversity Map, Wetlands Map or Riparian Lands and Watercourses Map.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

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

The subject land is not known to be contaminated, nor is it identified as being bushfire prone, or flood prone.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

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

As outlined above, the site is already developed for aged care housing and the Planning Proposal only seeks to correct an error in the Land Zoning map.

The proposed rezoning of this land will have an overall positive social and economic effect.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed for the purposes of aged care housing and is connected to all relevant infrastructure and services. Therefore, the proposed rezoning of this land will not alter existing infrastructure and servicing arrangements.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.20. Site 19 – 1 Brown Street (Part), Jerilderie

Address: 1 Brown Street (Part), Jerilderie

Property Description: Part Lot 2, DP661986

Description: The proposed amendment seeks to rezone part of the subject land from R5 Large Lot Residential to RU5 Village. The proposal also seeks to remove the current 2 hectare minimum lot size that applies to this land and replace it with a 600m² minimum lot size consistent with the other village zoned land within the LGA.

Figures showing the proposed changes are provided below.



Figure 91 – Site 19: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is currently zoned R5 Large Lot Residential and the proposal seeks to rezone this to RU5 Village consistent with adjoining lands (like for like).

Following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of conventional residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 26 – Site 19: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for residential purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction for the following reasons:</p> <ul style="list-style-type: none"> • The subject land is not located within a floodway; • The subject land is only located in the flood fringe and represents low level flooding (H1) with a depth of approximately 0.1-0.5 metres at the 1 in 100 Year ARI event; • The subject land is accessible with frontage to a public road that leads away from the area of flooding. • The future development of this land will not result in significant flood impacts to surrounding properties; • The proposal does not seek to develop the land for a sensitive use such as a child care, hospital, seniors housing, group home or the like; • The rezoning of this land will not allow for development of this land to be carried out without development consent; • The rezoning will not require an increase in government spending of emergency management services; • The proposed rezoning, whilst seeking to rezone the subject land for residential purposes can be appropriately managed as part of the Development Application process. • The rezoning is consistent with the recommendations of the Jerilderie Flood Study; • The rezoning is consistent with the recommendations of Murrumbidgee Land Use Plan. <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>

5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land will be required to connect to either Bolton Street or Jerilderie Street in accordance with Council’s engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes the R5 and RU5 zones).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the supply of residential allotments. Whilst the land is already zoned for residential purposes (large lot), the subject Planning Proposal seeks to rezone this portion of the land for more conventional residential purposes in recognition of a relative lack of environmental constraints and its location immediately adjacent to other village zoned land.</p> <p>The proposal represents infill development within a central portion of Jerilderie that has access to all relevant infrastructure and services.</p> <p>Therefore the rezoning of this land will have an overall positive impact.</p> <p>It is noted that this same Planning Proposal also seeks to back zone the rear portion of the site in recognition of the site environmental constraints that apply to this land. See Item No. 23 for further details.</p>

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The area of the proposed rezoning is largely devoid of overstorey vegetation and comprises largely grasslands consisting of non-native paddock grasses (PCT0). It is noted that the northern portion of the site does contain River red gums (PCT2) the proposed rezoning deliberately seeks to avoid these areas.

Similarly, the northern portion of the site is identified on Council’s Terrestrial Biodiversity Map, Riparian Lands and Watercourses Map and Wetlands Map, which requires consideration of the requirements of Clauses 6.3, 6.6 and 6.7 of JLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.



Figure 92 – Extract of State Vegetation Map



Figure 93 – Extract of Terrestrial Biodiversity Map



Figure 94 – Extract of Wetlands Map



Figure 95 – Extract of Riparian Lands and Waterway Map

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

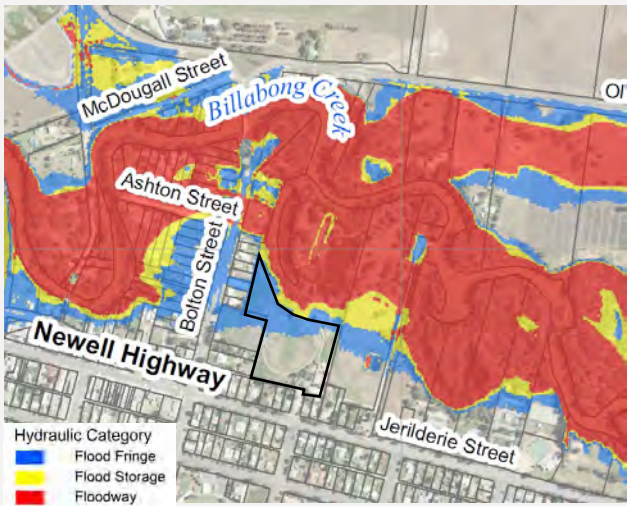
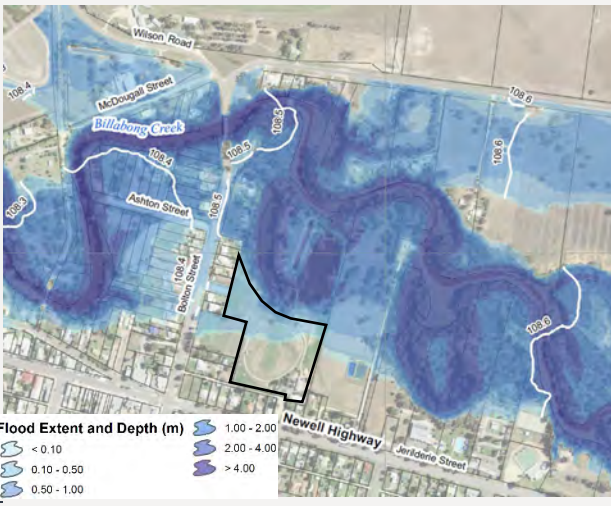
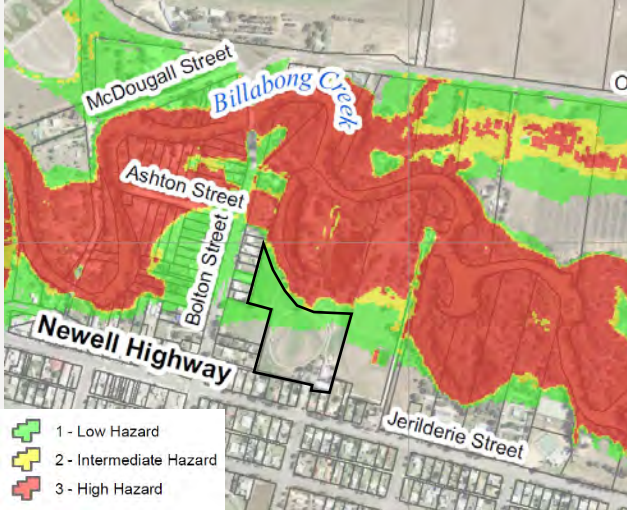
The subject land is not known to be contaminated, nor is it classified as bushfire prone land.

It is acknowledged however that the subject land is identified as being flood prone on the Jerilderie Flood Study. Specifically, the subject land is identified as flood fringe and low hazard and has a variable flood depth of 0.1 metres to 0.5 metres at the 1 in 100 Year ARI event.

For these reasons, the future development of this land is consistent with the recommendations of the Flood Risk Management Study and Plan and is not expected to adversely affect any adjoining land.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

	
<p>Figure 96 – Extract of 1 in 100 Year ARI Flood Map</p>	<p>Figure 97 – Extract of Flood Extent and Depth Map</p>
	
<p>Figure 98 – Extract of Flood Hazard Category Map</p>	

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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the supply of residential zoned land available within Jerilderie. Whilst it is acknowledged that there is already a supply of urban zoned land, the purpose of the Planning Proposal is to identify opportunities for infill development in centralised locations within the township.

The area adjoins land currently zoned RU5 Village and can be serviced with all reticulated infrastructure and services and forms the logical extension of this already zoned land.

The proposed rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed for the purposes of a dwelling. The further development of this land can be appropriately serviced with water and sewerage infrastructure as there is additional capacity within these networks. Access to these services will be achieved via an augmentation/extension of existing services through the adjoining village zoned land.

Road access to the site, as well as other infrastructure and services will also be extended from either Bolton Street or Jerilderie Street.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.21. Site 20 – 9 Powell Street, Jerilderie

Address: 9 Powell Street, Jerilderie

Property Description: Lot B, DP 401026

Description: The proposed amendment seeks to rezone the subject land from RE1 Public Recreation to RU5 Village. The proposal also seeks to add a 600m² minimum lot size to this land consistent with the other rural village zoned land within the LGA.

The proposed change seeks to correct a mapping anomaly that inadvertently zoned a private residence as public recreation consistent with the adjoining Luke Park.

Figures showing the proposed changes are provided below.



Figure 99 – Site 20: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is zoned RE1 Public Recreation, but is developed for the purposes of a house. Therefore the Planning Proposal is not seeking to change the use of the land, but rather better reflect the current use of this land.

Following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 27 – Site 20: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for residential purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction as the land is already developed for a residential dwelling and the Planning Proposal only seeks to rezone this property to reflect the current use of the land.</p> <p>Furthermore, the existing dwelling contained on-site is located on the highest portion of the site adjacent to Powell Street on land classified as flood storage, which is classified as a low hazard.</p> <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>As outlined above, the subject land is already developed and the proposed rezoning will not alter existing traffic and access arrangements.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes the RU5 Village zone).</p>



Figure 102 – Extract of Wetlands Map



Figure 103 – Extract of Riparian Lands and Watercourses Map

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

The subject land is not known to be contaminated and is not identified as being bushfire prone.

It is acknowledged however that the subject land is identified as flood prone on the Jerilderie Flood Study. Specifically, the land is classified as flood fringe and flood storage and has a flood depth of 0.1-0.5 metres. Notwithstanding, as outlined above, the subject land is already developed for the purposes of a dwelling and therefore the proposed rezoning will not facilitate additional development opportunities on-site.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

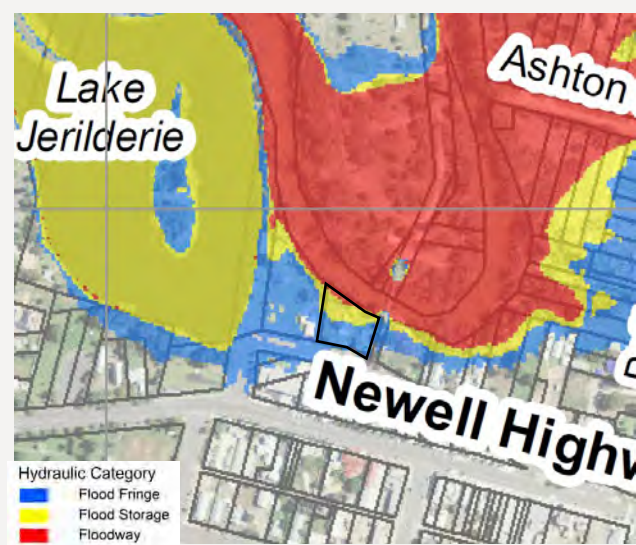


Figure 104 – Extract of 1 in 100 Year ARI Flood Map

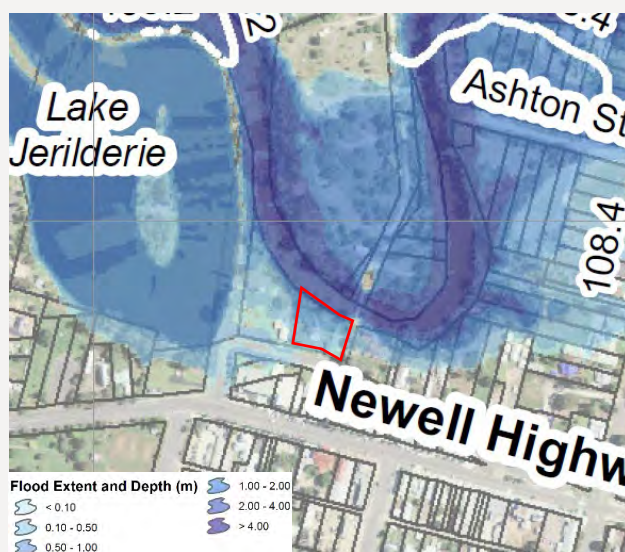
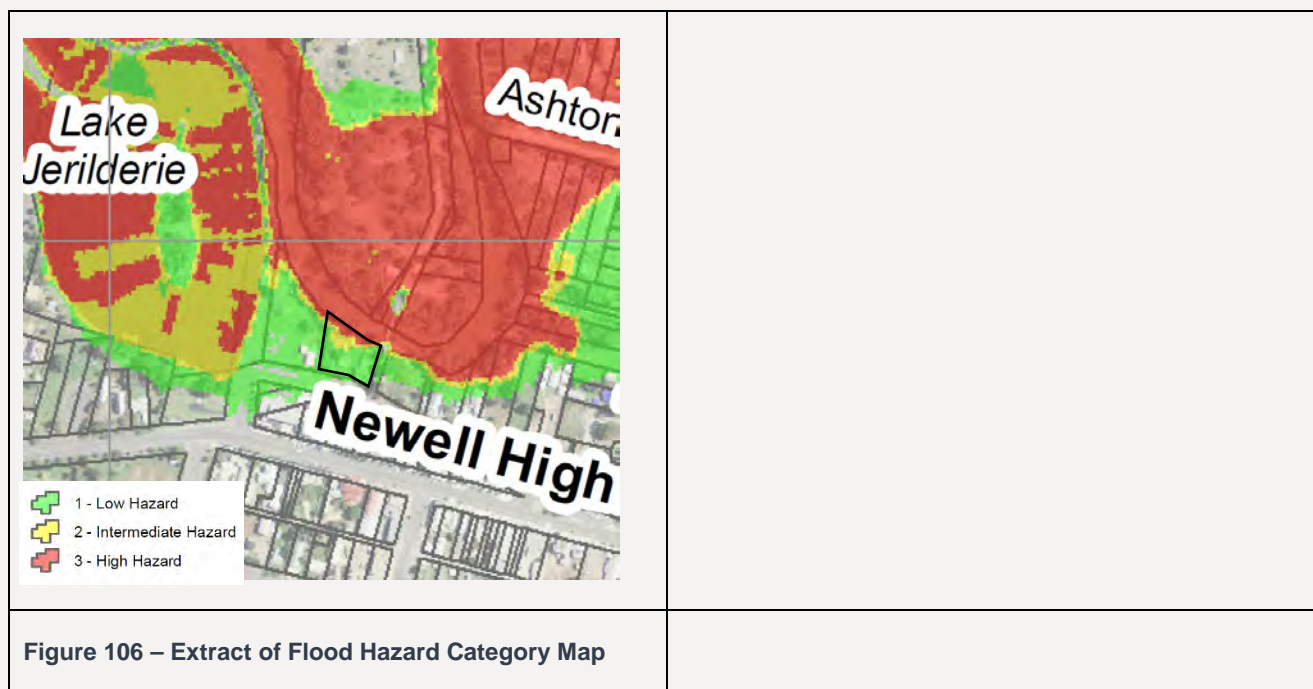


Figure 105 – Extract of Flood Extent and Depth Map



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

As outlined above, the subject land has been developed for the purposes of a residential dwelling. The purpose of the Planning Proposal is to correct an anomaly with the Land Zoning map as the property has been inadvertently zoned RE1 Public Recreation. Council has no intentions to acquire the land and the property is held in private ownership.

For these reasons, the Planning Proposal is considered to have a generally positive social and economic effect.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed and connected to all reticulated infrastructure and services. Therefore, the proposed rezoning of this land will not alter existing infrastructure and service arrangements.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.22. Site 21 – 1 Coreen Street, Jerilderie

Address: 1 Coreen Street, Jerilderie

Property Description: Lots 3 & 4, Section 32, DP758541

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to E4 General Industrial. The proposal also seeks to remove the 213ha that currently applies to this land and replace it with no minimum lot size consistent with other industrial zoned land in the LGA.

Figures showing the proposed changes are provided below.

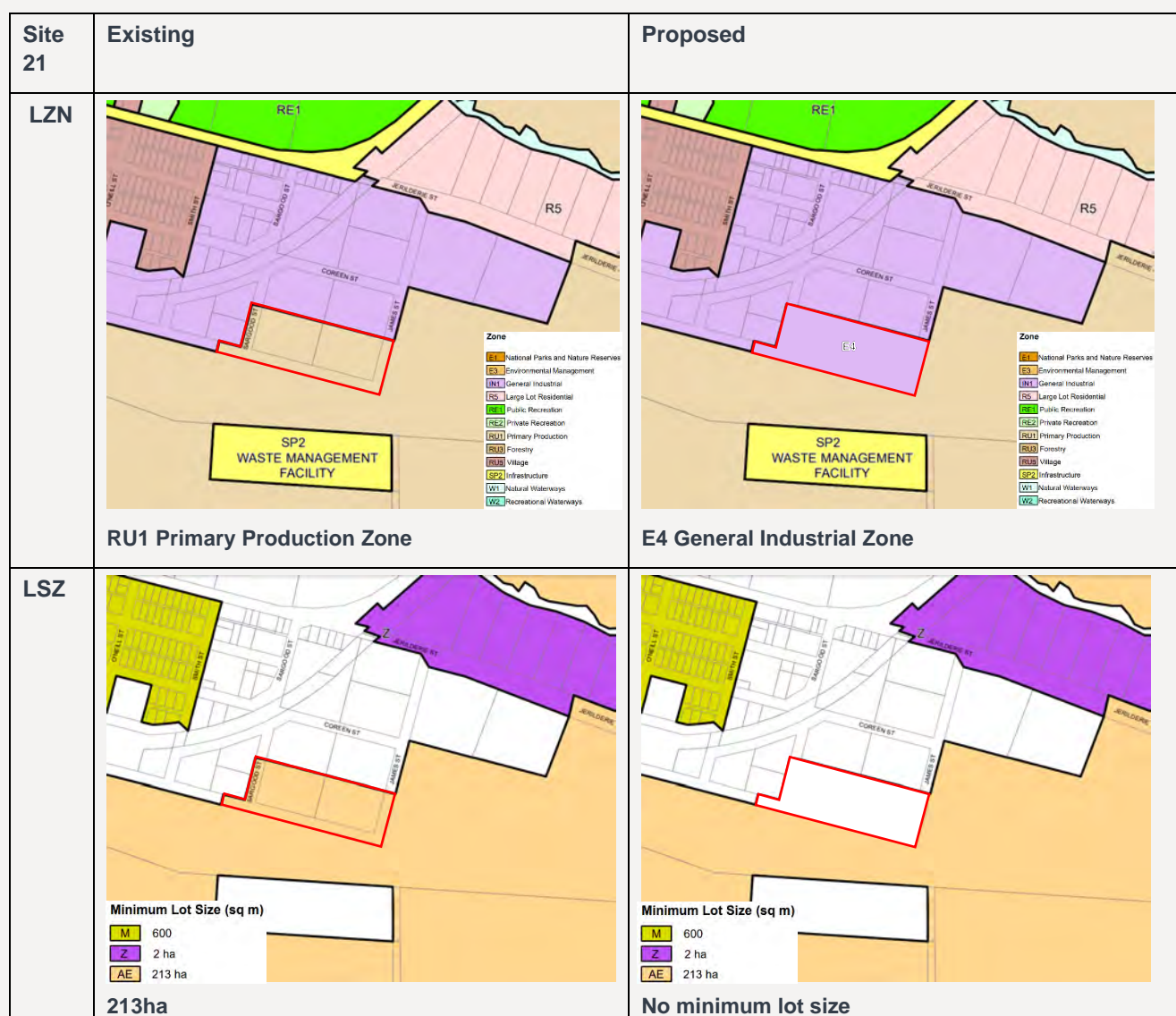


Figure 107 – Site 21: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is currently zoned RU1 Primary Production and the Planning Proposal seeks to rezone this to E4 General Industrial, which is not considered a sensitive land use.

Following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register. Therefore, the subject land is considered fit for the intended purpose.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 28 – Site 21: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for industrial purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction for the following reasons:</p> <ul style="list-style-type: none"> • The subject land is not located within a floodway; • The subject land is only located in the flood fringe with a low hazard rating and a depth of between 0.1-0.5 metres at the 1 in 100 Year ARI event; • The subject land is highly accessible with frontage to public roadways that lead away from the area of flooding. • The future development of this land will not result in significant flood impacts to surrounding properties; • The proposal does not seek to achieve residential outcomes or increase density; • The proposal does not seek to develop the land for a sensitive use such as a child care, hospital, seniors housing, group home or the like; • The rezoning of this land will not allow for development of this land to be carried out without development consent; • The rezoning will not require an increase in government spending of emergency management services; • The proposed rezoning, whilst seeking to rezone the subject land for industrial purposes can be appropriately managed as part of the Development Application process. • The rezoning is consistent with the recommendations of the Jerilderie Flood Study; • The rezoning is consistent with the recommendations of Murrumbidgee Land Use Plan. <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>

5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>The subject land adjoins land currently zoned for industrial (employment) purposes and road access to this site will be via James Street to the east, which be required to be upgraded in accordance with Council's engineering design guidelines.</p>
7.1 – Employment Zones	<p>See response to Section 9.1 Directions contained within the Appendix E of the Murrumbidgee Land Use Plan.</p> <p>An extract of this response as it relates to the subject land is reproduced below.</p> <p>The Land Use Plan recommends rezoning additional lands within Jerilderie for industrial purposes. Whilst it is acknowledged that Jerilderie already has a level of industrial land supply, it is noted that much of the remaining undeveloped land is held in public ownership (railcorp/ARTC) and is therefore unable to be developed in the short to medium term. The rezoning of additional industrial zoned land will ensure that there is choice in industrial land supply.</p> <p>Furthermore, the subject land has been chosen as it immediately adjoins land already zoned for industrial purposes and the site is well separated from any sensitive land uses.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land is devoid of overstorey vegetation and contains only non-native paddock grasses (PCT0). Whilst the subject land is identified on Council's Terrestrial Biodiversity map, the land does not appear to contain any items of ecological significance.

Whilst it is acknowledged that a very small portion of the area to be rezoned is identified on the NSW Biodiversity Values Map, the BV mapping is only limited to a small portion of road reserve, which will not be developed.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

	
<p>Figure 108 – Extract of State Vegetation Map</p>	<p>Figure 109 – Extract of Terrestrial Biodiversity Map</p>
	
<p>Figure 110 – Extract of Biodiversity Values Map</p>	


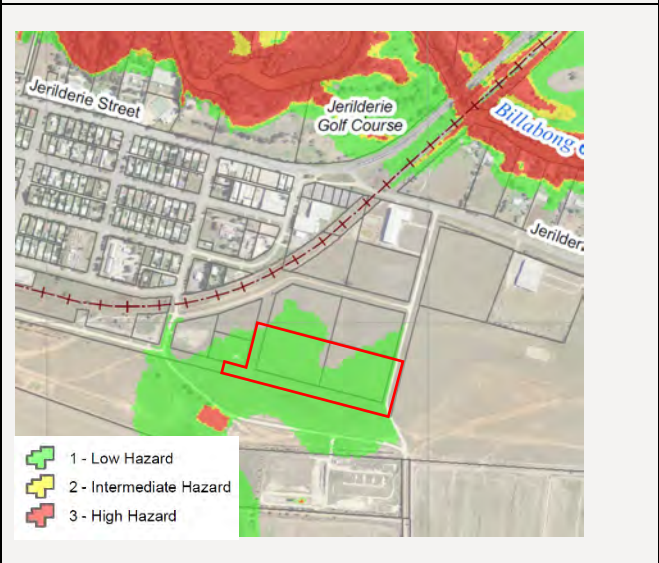
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The subject land is not known to be contaminated and is not identified as being bushfire prone.

It is acknowledged however that the subject land is identified as flood prone on the Jerilderie Flood Study. Specifically, the land is classified as flood fringe and flood storage and has a flood depth of 0.1-0.5 metres. Notwithstanding, as the proposal is only seeking to develop the land for industrial purposes, matters regarding flooding can be appropriately addressed at the time of a Development Application.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

	
<p>Figure 111 – Extract of 1 in 100 Year ARI Flood Map</p>	<p>Figure 112 – Extract of Flood Extent and Depth Map</p>
	
<p>Figure 113 – Extract of Flood Hazard Category Map</p>	

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

The subject land is strategically located and positioned for industrial development. Furthermore, the land has been chosen for rezoning because it is well separated from sensitive land uses and avoids the creation of land use conflicts.

The Planning Proposal will have a positive social and economic impact as it seeks to implement the land zoning recommendations of the Murrumbidgee Land Use Plan.

As outlined in response to Ministerial Direction 7.1, the Planning Proposal seeks to increase the amount of industrial zoned land within Jerilderie in recognition that much of the current industrial zoned land is held in public ownership (railcorp/ARTC). The provision of additional industrial land is therefore considered to have a generally positive social and economic impact.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and sewerage infrastructure. The land adjoins industrial zoned land and has legal road access. Council's engineers have confirmed that there is enough capacity within the existing infrastructure network to facilitate the development of this land, subject to minor augmentation and/or extension works proposed as part of the development of this land.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

It is noted however that the NSW Department of Primary Industries sought to avoid or minimise potential for land use conflicts and cumulative impacts from successive development. Consequently, they requested that a further assessment should be undertaken at the rezoning stage to ensure ongoing agricultural operations on or adjacent to the proposed sites will not be adversely affected and suitable mitigations are applied. This could be achieved via the preparation of a land use conflict risk assessment (LUCRA).

The subject land adjoins Council's waste management centre and other industrial zoned land and is therefore not expected to create any land use conflicts with these adjoining uses.

Notwithstanding the above, to ensure the ongoing protection of agricultural land, Council will require the preparation of a LUCRA at the development application consistent with the new requirements of the Draft Murrumbidgee Development Control Plan 2023.

4.23. Site 22 – Newell Highway, Jerilderie (Jerilderie Golf Course)

Address: Newell Highway, Jerilderie (Jerilderie Golf Course)

Property Description: Lot 16, DP756425 and Lot 1, DP105989

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to RE1 Public Recreation. The proposal also seeks to remove the 213ha that currently applies to this land consistent with other recreation zoned land in the LGA.

Figures showing the proposed changes are provided below.

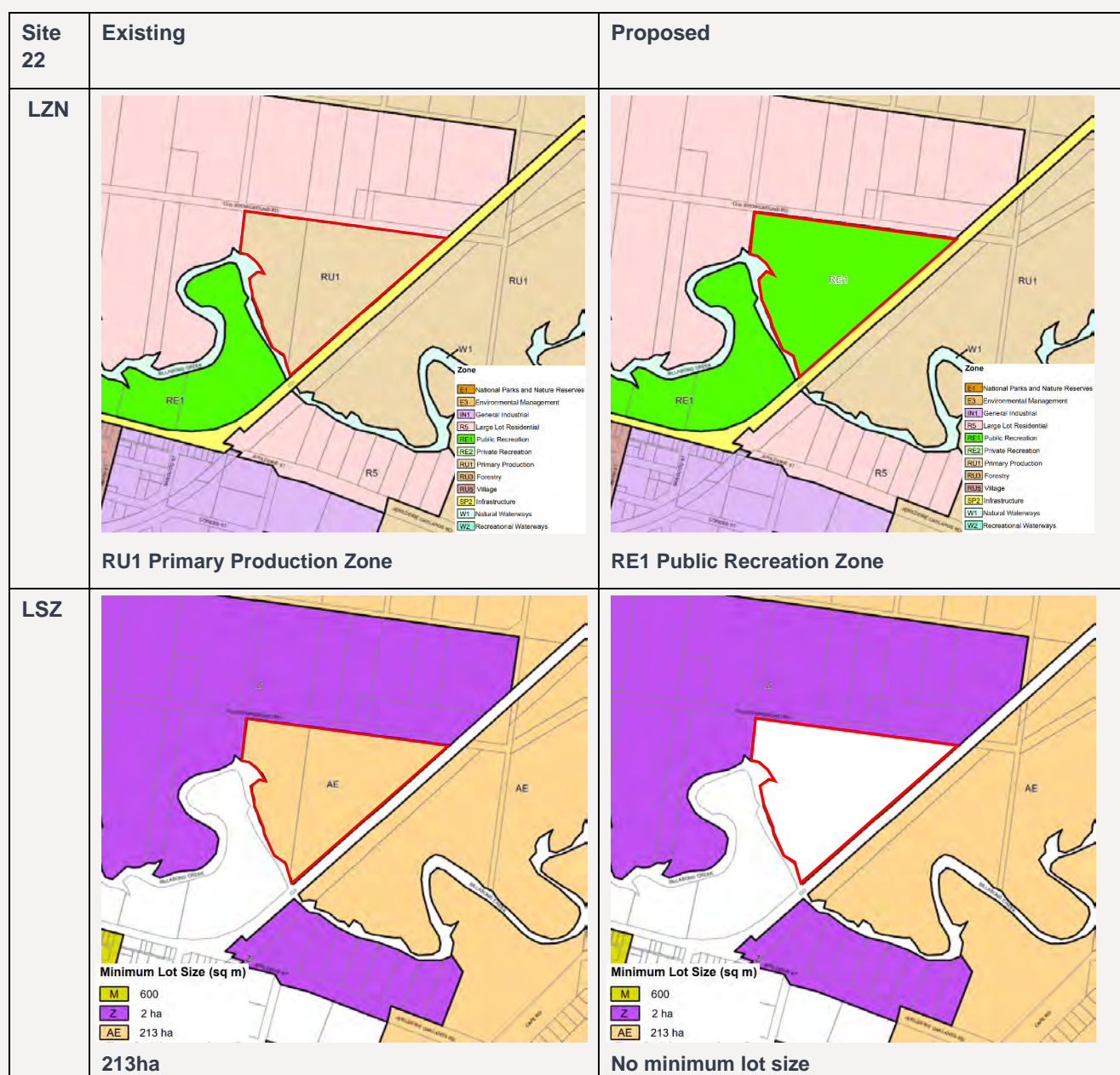


Figure 114 – Site 22: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Part 2.3 of Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*. Specifically, Division 12 of this Chapter relates to Parks and other public reserves.

Whilst it is acknowledged that most developments typical of a recreation reserve such as walking tracks, seating, shelters, barbecue, play equipment and the like are permitted without consent on a public reserve, the application of a RE1 Public Recreation Zone is considered more appropriate as it is consistent with the recommendations of LEP Practice Note: PN 11-002 – *Preparing LEPs using the Standard Instrument: standard zones*.

The following commentary is provided under the RE1 Zone:

RE1 Public Recreation

This zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space...

The Planning Proposal seeks to rezone the land as RE1 Public Recreation as it is currently developed for the Jerilderie Golf Course. It is noted that the western portion (first 9 holes) of the golf course is zoned RE1 Public Recreation, however the eastern most portion (last 9 holes) of the golf course on the northern side of Billabong Creek is currently zoned RU1 Primary Production. This split zoning of land is considered an anomaly that the Planning Proposal seeks to correct and will ensure consistency of zoning across the two halves of the golf course.

The rezoning of this land will better reflect the current use of the land.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 29 – Site 22: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as a portion of the subject land is identified as being flood prone. The proposed rezoning of this land is consistent with this Direction as it does not seek approval to rezone the land for a sensitive purpose, but rather RE1 Public Recreation.</p> <p>The land is classified as flood fringe, flood storage and floodway (see figure below) and is consistent with the recommendations of the Jerilderie Flood Study.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have ‘no objection to the draft Plan’s recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha’.</p>

9.2 – Rural Lands	See above further details.
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Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land has been established as a golf course, which consists of managed fairways and associated sand bunkers (PCT0). Notwithstanding, portions of the site contain remnant native vegetation comprising over-storey trees. Specifically, the south western portion of the site contains River red gums – Sedge dominated open forest (PCT2), River red gum – Warrego grass (PCT7) and River red gum – Wallaby grass (PCT9).

Similarly, this same area of land is identified on Council's Terrestrial Biodiversity Map and Wetlands Map, which requires consideration of Clauses 6.4 and 6.7 of JLEP. The Planning Proposal only seeks to rezone this land RE1 Public Recreation, which will not affect the biodiversity values of this land as it only seeks to better reflect the actual use of the land, rather than seeking to achieve additional development outcomes on-site.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

	
Figure 115 – Extract of State Vegetation Map	Figure 116 – Extract of Terrestrial Biodiversity Map
	
Figure 117 – Extract of Wetlands Map	

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

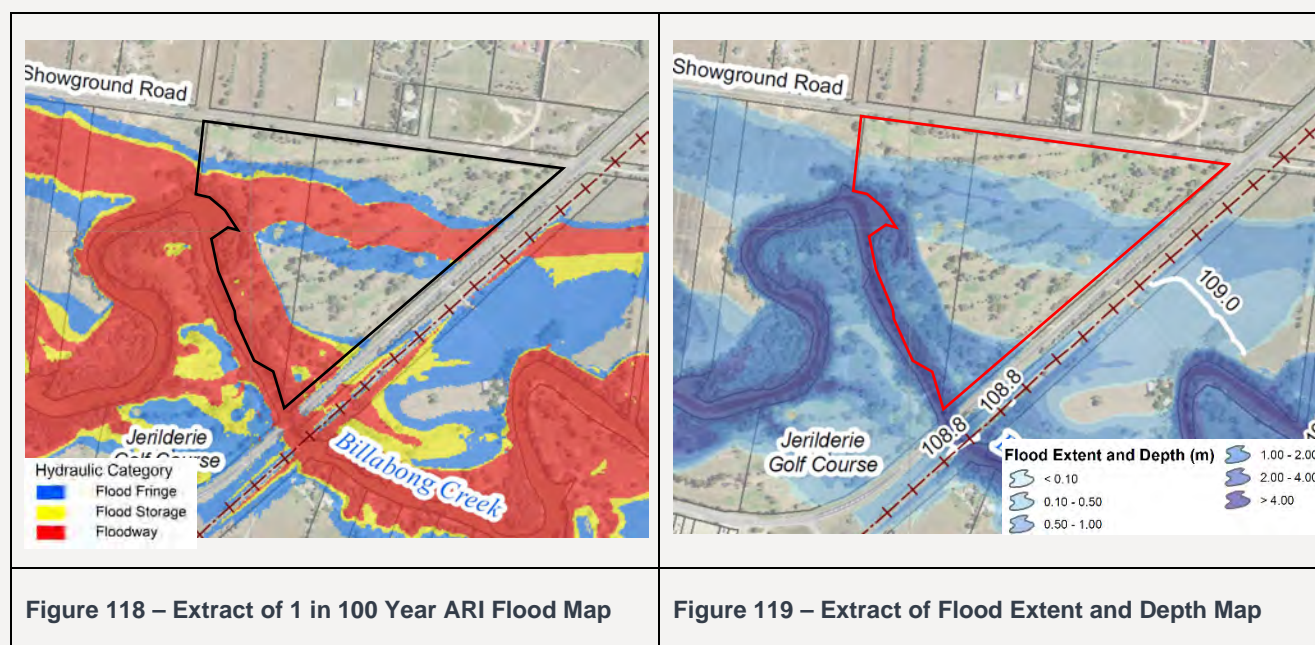
The subject land is not known to be contaminated, nor is it identified as being bushfire prone.

It is noted however that the subject land is identified as being flood prone on the Jerilderie Flood Study. Specifically, the subject land is located within a floodway, flood storage and flood fringe at the 1 in 100 year ARI event.

Notwithstanding the fact that the Planning Proposal is seeking to rezone this land, this is considered satisfactory in this instance as the proposal only seeks to better reflect the current use of the land, being recreation. The development does not facilitate additional development and matters regarding flooding impacts will remain unchanged.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.



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

The Planning Proposal seeks to rezone the subject land from rural to public recreation to reflect the actual use of land. The rezoning of this land for this purpose will ensure that the golf club is maintained and managed ongoing, which will have a positive social and socio-economic benefits.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed for the purposes of a golf course. Rezoning this land for this purpose will therefore not have any impact on utilities and services.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.24. Site 23 – 1 Brown Street and 121 Jerilderie Street, Jerilderie

Address: 1 Brown Street and 121 Jerilderie Street, Jerilderie

Property Description: Lot 2, DP661986 and Lot 2, DP581360

Description: The proposed amendment seeks to rezone the subject land from R5 Large Lot Residential and RU5 Village to C3 Environmental Management. The proposal also seeks to remove the 2ha and 600m² minimum lot size that currently applies to this land consistent with other conservation zoned land in the LGA.

Figures showing the proposed changes are provided below.

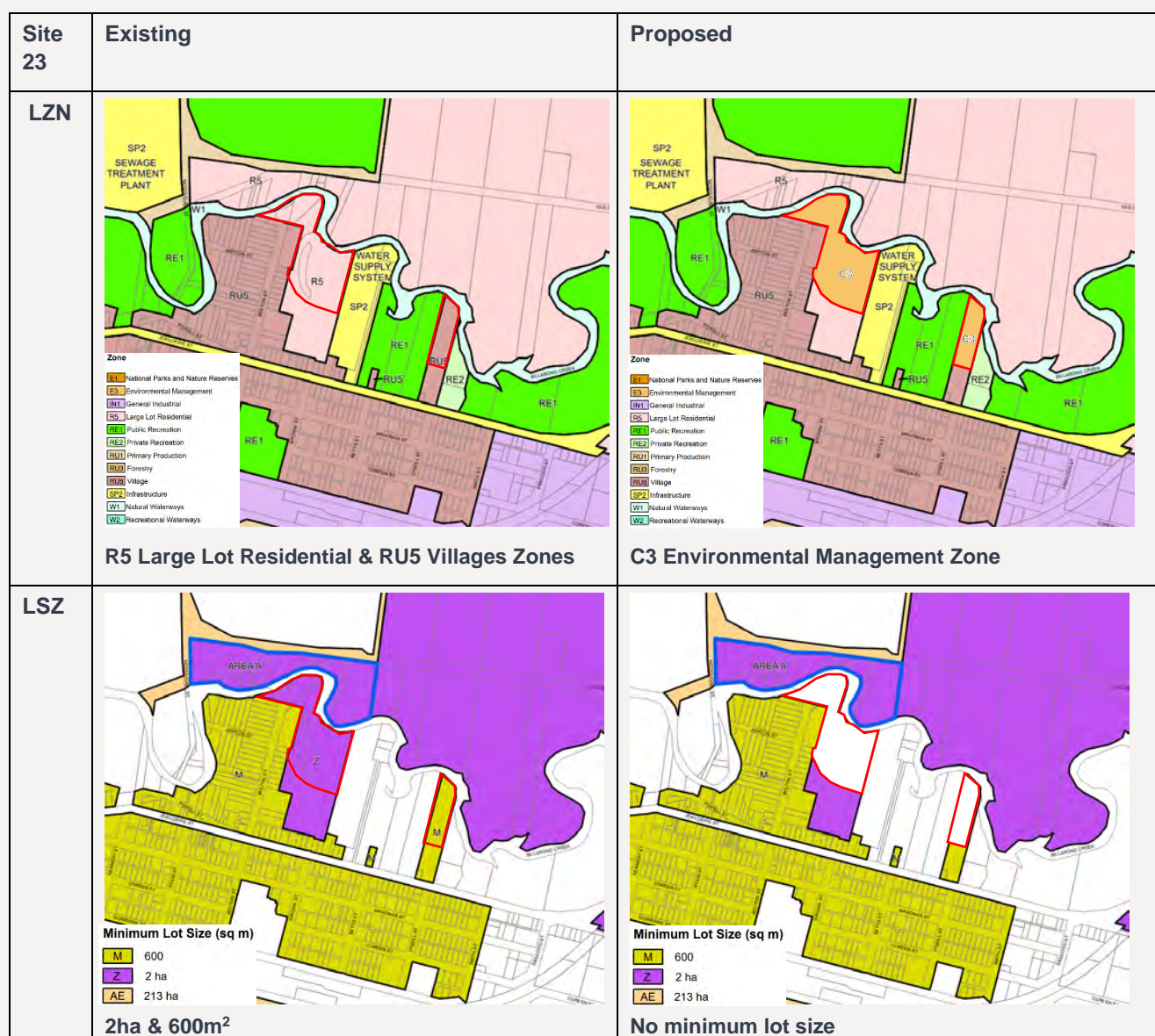


Figure 120 – Site 23: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ('Biodiversity SEPP'), which relates to vegetation in non-rural areas. The provisions of the Biodiversity SEPP apply to land outside of the rural zones including the C3 Environmental Management Zone and the current R5 Large Lot Residential Zone.

The Planning Proposal is consistent with the aims and objectives of the Biodiversity SEPP as it seeks to better protect environmentally sensitive land that is also subject to significant natural hazards and constraints. This will ensure that development in this area, as well as, consequential tree removal is limited.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 30 – Site 23: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone land that is flood prone on the Jerilderie Flood Study. Specifically, the land is classified as 'Floodway' at the 1 in 100 Year Flood Event.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction as the proposal seeks to back zone this land to prevent the further development of this land in recognition of the remnant vegetation contained on-site, as well as the fact that the land is subject to high levels of flooding.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes both the RU5 and R5 zones).</p> <p>The Planning Proposal is justifiably inconsistent with the aims and objectives of this Direction as it is consistent with the recommendations of the Murrumbidgee Land Use Plan. Furthermore, and of significance, the land is highly constrained as it is subject to high hazard flooding given its location within a floodway. The land also contains areas of remnant native vegetation that warrant protection.</p> <p>For these reasons, the development potential of this land for residential purposes is considered to be low and a conservation zoning is considered to better reflect the limited development capacity of the land.</p>

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land contains extensive areas of remnant native vegetation, which may contain critical habitat for threatened species or ecological communities. Specifically, the land primarily contains large areas of River red gums (PCT5) given its location alongside Billabong Creek.

The land is also identified on Council's Terrestrial Biodiversity Map and Wetlands Map, which requires consideration of Clauses 6.4 and 6.7 of JLEP. The Planning Proposal seeks to back zone this land to a conservation zone, which will better reflect and protect the environmental values of this land, which will have a positive environmental benefit.

It is noted that the subject Planning Proposal does not seek to rezone adjoining land to the east and west as identified on the below maps for conservation purposes, as these properties are already in a zone that limits development opportunities (recreation and special use).

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.



Figure 121 – Extract of State Vegetation Map



Figure 122 – Extract of Terrestrial Biodiversity Map



Figure 123 – Extract of Wetlands Map

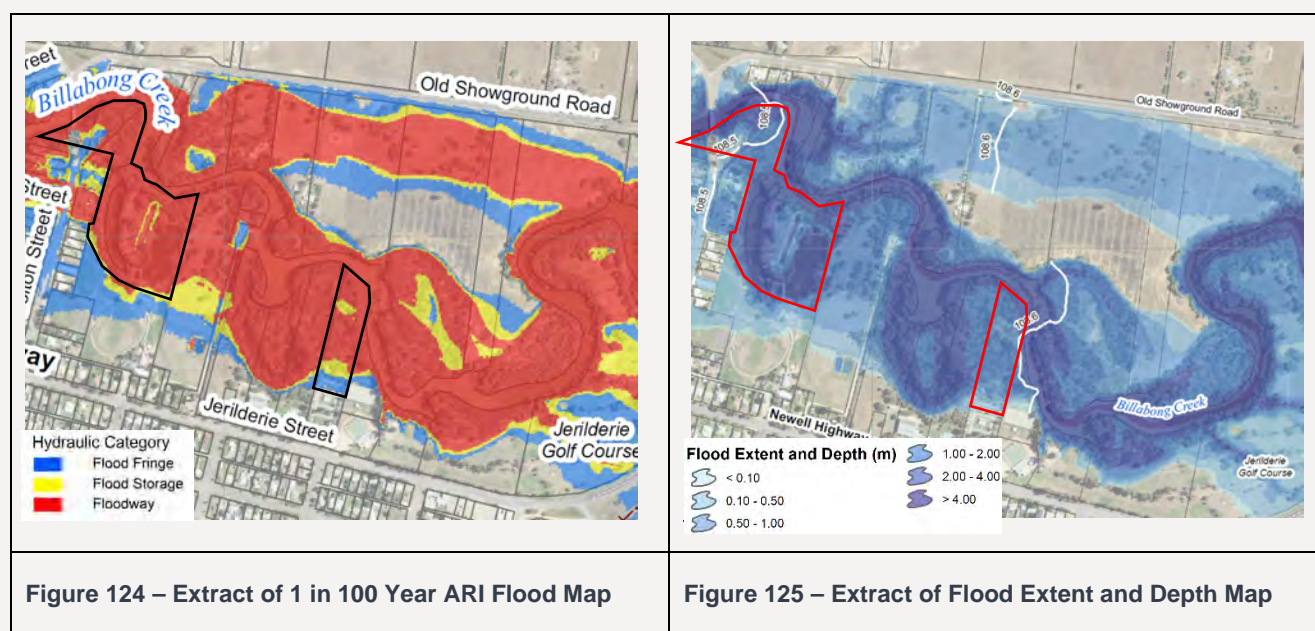
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The subject land is not known to be contaminated nor is it identified as being bushfire prone.

It is noted however that the subject land is identified as being flood prone on the Jerilderie Flood Study. Specifically, the subject land is located within a floodway at the 1 in 100 year ARI event.

For these reasons, the land is considered inappropriate for development and should be placed into a zone that better reflects both the biodiversity values and natural constraints of the land. The rezoning of this for conservation purposes is also consistent with the zoning of surrounding public lands located elsewhere within the Murrumbidgee LGA.

Figures showing these constraints are provided below.



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

As outlined above, the subject land is significantly constrained and has limited to no development potential. For these reasons, the adoption of a conservation zone is considered the most appropriate zone from a social and economic perspective.

Whilst it is acknowledged that the development potential of 1 Brown Street will be reduced as a result of the Planning Proposal, it is noted that the owners of this property lodged a submission to the Land Use Plan supporting the proposed back-zoning. Similarly, the Planning Proposal also seeks to rezone the front portion of the land from R5 to RU5, which will increase the development potential of the front portion of this land.

The other parcel of land to be rezoned has been developed as a caravan park and the rezoning of this back portion of the land will not affect the ongoing use of this land.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The Planning Proposal does not seek to achieve development outcomes on the land and the land does not require access to infrastructure and services.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.25. Site 24 – Coonong Street, Kennedy Street and Nowranie Street, Jerilderie

Address: Coonong Street, Kennedy Street and Nowranie Street, Jerilderie

Property Description: Lots 1 & 2, DP529515, Lots A & B, DP334550, Lots 48, 95-96, 98, 131-134, 136 & 152, DP756426.

Description: The proposed amendment seeks to rezone the subject land from E4 General Industrial and RU1 Primary Production to RU5 Village. The proposal also seeks to remove the 213ha that currently applies to this land and replace it with a 600m² minimum lot size consistent with other village zoned land in the LGA.

Figures showing the proposed changes are provided below.

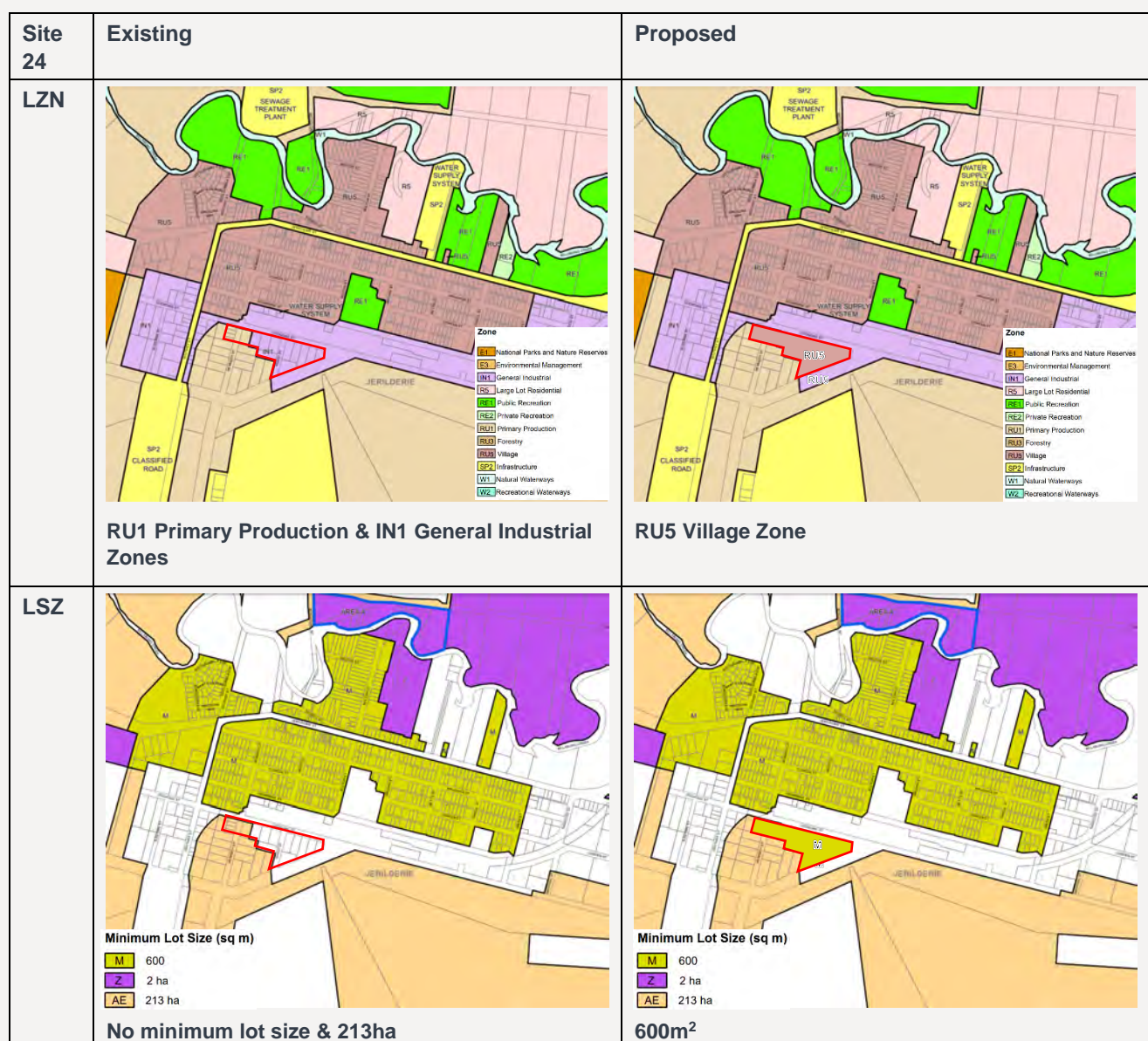


Figure 126 – Site 24: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the SEPP'), which relates to the remediation of land. It is noted that the subject land is currently already developed for the purposes of residential dwellings with the exception of two vacant lots.

Following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register despite being located adjacent to Council's saleyards.

Therefore, the subject land is considered fit for the intended purpose being residential development consistent with its current use.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 31 – Site 24: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for residential purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction as the area of rezoning is located outside of the extent of flood mapping and is located on flood free land.</p> <p>Access to and from the property is available via Britts Road, which is also flood free and leads away from the area of flooding.</p> <p>The rezoning of this land is also consistent with the recommendations of the Murrumbidgee Land Use Plan and importantly, the Murrumbidgee Floodplain Risk Management Study and Plan.</p> <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>
4.3 – Planning for Bushfire Protection	<p>The provisions of Direction 4.3 apply as the Planning Proposal seeks to rezone land that is partly identified as bushfire prone on the Murrumbidgee Bushfire Prone Land Map. Specifically, the land is classified as Vegetation Category 2 and Vegetation Buffer.</p> <p>Notwithstanding, the Planning Proposal is consistent with the aims and objectives of this Direction as it only seeks to rezone those portions of the land that are not identified as being bushfire prone.</p> <p>Whilst it is acknowledged that this land does immediately adjoin bushfire prone land to the north, east and west, any future subdivision of this land will need to achieve compliance with Planning for Bushfire Protection Guidelines 2019, including the provision of reticulated infrastructure and the use of perimeter roads.</p>

5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land and adjoining land to the south will require an upgrade of Britts Road in accordance with Council's engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes R5 Large Lot Residential zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the range and type of housing/lots (5,000m²) that is currently lacking within Darlington Point.</p> <p>The provision of R5 zoned land with a minimum lot size of 5,000m² will benefit the community as it does not seek to increase the supply of conventional urban land that is already available within the township.</p> <p>Given the proximity of Darlington Point to the larger regional centre of Griffith, the introduction of this zone and lot size has the potential to encourage population growth and housing as Darlington Point has traditionally acted as a satellite suburb of Griffith.</p> <p>The creation of new residential land will add an additional approximate 16-24 years worth of residential land supply with Darlington Point depending on growth rates. Darlington Point is strategically located and is currently experiencing increasing demands for housing given interest and the establishment of several large agricultural and renewable energy projects, which are currently placing demands on housing market.</p> <p>The proposed works rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land comprises a number of urban allotments that have been developed for residential dwellings. Consequently, the land only contains non-native vegetation (PCT0).

It is noted however that a small portion of the study area is identified on Council's Terrestrial Biodiversity, which requires consideration of Clause 6.4 of JLEP. Similarly, this same area of land is identified on the NSW Biodiversity Values Map.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

Notwithstanding, the rezoning of this land is considered appropriate in this instance from an ecological perspective as no further works are proposed on this portion of land.



Figure 127 – Extract of State Vegetation Map



Figure 128 – Extract of Terrestrial Biodiversity Map



Figure 129 – Extract of Biodiversity Values Map

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

The subject land is not known to be contaminated and the land is not identified as being bushfire prone.

It is acknowledged however that the subject land is identified as flood prone on the Jerilderie Flood Study. Specifically, the land is classified as flood fringe and flood storage and has a flood depth of 0.1-0.5 metres. Notwithstanding, as the proposal is only seeking to develop the land for industrial purposes, matters regarding flooding can be appropriately addressed at the time of a Development Application.

Furthermore, an assessment of cultural heritage was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment C**.

Figures showing these constraints are provided below.

	
<p>Figure 130 – Extract of 1 in 100 Year ARI Flood Map</p>	<p>Figure 131 – Extract of Flood Extent and Depth Map</p>
	
<p>Figure 132 – Extract of Flood Hazard Category Map</p>	

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

The Planning Proposal has appropriately considered matters regarding social and economic effects. As outlined above, the subject land has already largely been developed and contains 8 existing dwellings. Currently, these dwellings sit in a RU1 Primary Production Zone or E4 General Industrial Zone.

Dwellings are prohibited in these zones or require compliance with the minimum lot size provisions, as it relates to the rural zone. Therefore, the existing dwellings are reliant upon 'existing use rights' under the EP&A Act and EP&A Regulation. As a result, the continued operation of these dwellings is limited as existing use rights provisions restrict the ability to expand or renovate these dwellings. Furthermore, and of note for the Planning Proposal, there are three vacant lots currently contained within this area. These properties each have a size of circa 4,000m² and adjoin established dwellings.

Consequently, their ability to be developed for industrial and in particular rural purposes is significantly constrained. Conversely, a dwelling cannot be erected due to the current zoning of the land. It is noted that during the preparation of the Murrumbidgee Land Use Plan, Council received a number of requests from persons living in this area to rezone the land RU5 Village.

Upon review, Council agreed to rezone this land as RU5 Village as part of the subject Planning Proposal. In doing so, this not only better reflected the current use of this land, it also allowed greater flexibility for the future development of the currently vacant parcels of land contained within this area. Lastly, the rezoning of the subject land as RU5 will also ensure consistency with the previous zoning of the land, which was 'Village' under the former *Jerilderie Local Environmental Plan 1993*.

Whilst it is acknowledged that the subject land does adjoin land zoned for general industrial purposes to the north and Council's saleyards to the south, which has the potential to create land use conflicts as identified in Figure 66 of the Murrumbidgee Land Use Plan, this is considered satisfactory in this instance.

Specifically, whilst land to the north is zoned for industrial purposes, it is noted that the land remains largely vacant and is held in public ownership (RailCorp/ARTC) given its former use as a railway. This land has stood vacant for a long time and is not expected to be developed in the foreseeable future. Similarly, should this land be developed in the future, the subject land is separated from this land by Coonong Street, which will act as a buffer.

Similarly, potential land use conflicts with Council's saleyards to the south have also been assessed and are considered appropriate in this instance as the land immediately adjoining this facility is already developed for the purposes of residential dwellings. To date, Council has received no complaints from these adjoining residential neighbours in terms of noise, odour, traffic, waste or the like. Furthermore, the saleyards only operate 1-2 times per year, which will significantly decrease opportunities for conflict.

Lastly, it is also noted that the Jerilderie aerodrome is located approximately 600 metres to the south. Again, the proximity of this air transport facility is not expected to adversely affect the ongoing or future use of the land for residential purposes as the aerodrome does not cater for commercial flights and only allows for agricultural spraying, recreational flying and occasional deliveries or emergency health flights. Similar to matters regarding the saleyards, Council has received no complaints from residents living in this area with regards to the aerodrome.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is already developed and connected to all reticulated infrastructure and services. Therefore, the proposed rezoning of this land will not alter existing infrastructure and service arrangements. Furthermore, Council's engineering staff have confirmed that there is ample capacity within existing infrastructure to service the likely three (3) additional lots that could be constructed in this area.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.26. Site 25 – 145 Showgrounds Road, Jerilderie

Address: 145 Showgrounds Road, Jerilderie

Property Description: Lot 202, DP748612, Lots 17-19, DP756425 and Lot 1, DP722189

Description: The proposed amendment seeks to replace the existing 2ha minimum lot size that applies to this land and replace it with an 8ha minimum lot size.

Figures showing the proposed changes are provided below.

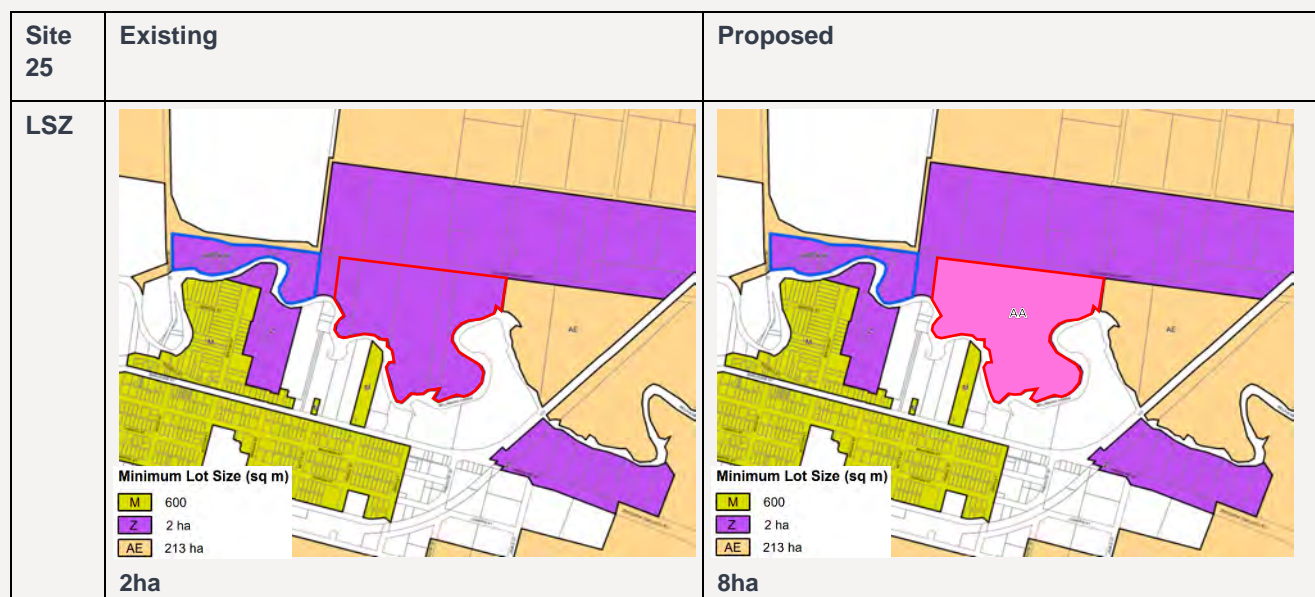


Figure 133 – Site 25: Recommended Mapping Changes .

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the SEPP'), which relates to the remediation of land. It is noted that the subject land is already zoned R5 Large Lot Residential and the Planning Proposal only seeks to increase the minimum lot size that applies to this land to reflect the physical and natural constraints that apply.

Following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

As the Planning Proposal is not seeking to increase the intensity of development and the land is already zoned residential, the subject land is considered appropriate from a land contamination perspective.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 32 – Site 25: Section 9.1 Ministerial Directions

Planning Direction	Response
4.1 – Flooding	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to alter a provision that affects flood prone land, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposal is considered appropriate in this instance as it seeks to reduce the development potential and density of this land in recognition of the flooding constraints that apply to this land.</p> <p>Specifically, large portions of the site are classified as floodway, flood storage and flood fringe. For these reasons, it is considered that the development potential of this land is limited.</p> <p>Whilst it is acknowledged that options of back zoning this property were investigated, it is noted that the three allotments that this item relates to already have a dwelling entitlement, which would allow for the future development of this land (3 dwellings).</p> <p>Notwithstanding, in recognition of the flooding constraints that apply to this land, as well as the current 2ha minimum lot size that applies to this land, it is considered appropriate to increase the minimum lot size that currently applies, so as to prevent further, more intensive development beyond what is currently permitted.</p> <p>In this instance, an 8ha minimum lot size is considered appropriate as it reflects the existing density and dwelling entitlements that apply to this land, whilst also ensuring that this land cannot be developed more intensively.</p> <p>Consideration of matters regarding flooding will still need to be addressed as part of any subsequent Development Application submitted for this site. Specifically, issues regarding site access, minimum finished floor levels and on-site effluent disposal.</p> <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p>
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land will require consideration of matters regarding site access, namely due to matters regarding flooding.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes R5 Large Lot Residential zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will not reduce the area of residential zoned land. Whilst it is acknowledged that the Planning Proposal does seek to reduce the density of development of this land by increasing the minimum lot size provisions from 2ha to 8ha, this is considered appropriate in this instance given the level of flood extent that applies to this land.</p> <p>In summary, the Planning Proposal is considered justifiably inconsistent with this Direction and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land comprises large portion of non-native grasses (PCT0), as well as large patches of varieties of River red gums (PCT2, PCT7 & PCT9) located alongside the adjoining Billabong Creek.

Furthermore, portions of the land are identified on Council's Terrestrial Biodiversity Map, Wetlands Map and Riparian Lands and Watercourses Map, which requires consideration of Clauses 6.4, 6.6 and 6.7 of JLEP. Similarly, the adjoining Billabong Creek is identified on the NSW Biodiversity Values Map.

Notwithstanding, the outcomes sought by the Planning Proposal are considered appropriate from an ecological perspective as it seeks to increase the minimum lot size that applies to this land, which will reduce development pressures and potential associated tree removal.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.



Figure 134 – Extract of State Vegetation Map



Figure 135 – Extract of Terrestrial Biodiversity Map



Figure 136 – Extract of Biodiversity Values Map



Figure 137 – Extract of Wetlands Map



Figure 138 – Extract of Riparian Lands and Waterway Map

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

The subject land is not known to be contaminated and the land is not identified as being bushfire prone.

It is acknowledged however that the subject land is identified as flood prone on the Jerilderie Flood Study. Specifically, the land is classified as floodway, flood fringe and flood storage and has a flood depths ranging from 0.1 metres up to 2.0 metres adjacent to Billabong Creek. It is primarily for this reason, that the Planning Proposal seeks to increase the applicable minimum lot size that applies to this land as it will restrict the future development potential of this land, whilst also recognising existing dwelling entitlements that apply to this land.

Further assessment of matters regarding flooding will be considered as part of any subsequent Development Application submitted for the site.

Figures showing these constraints are provided below.

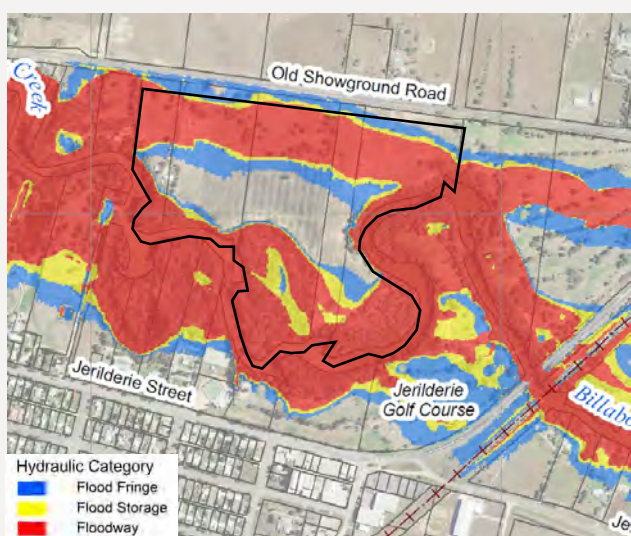


Figure 139 – Extract of 1 in 100 Year ARI Flood Map

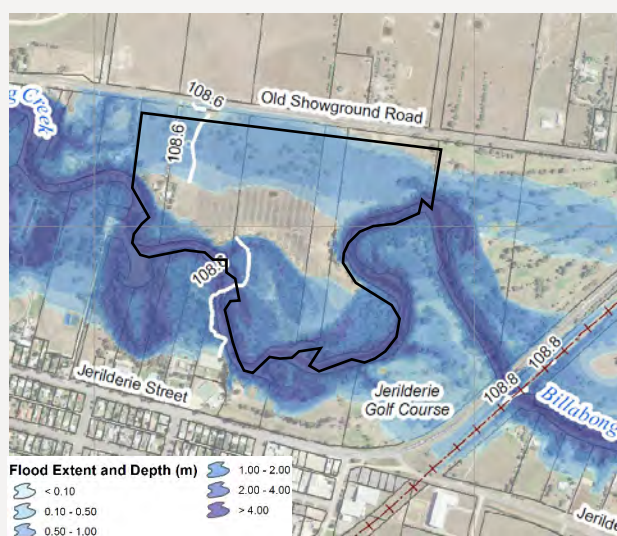
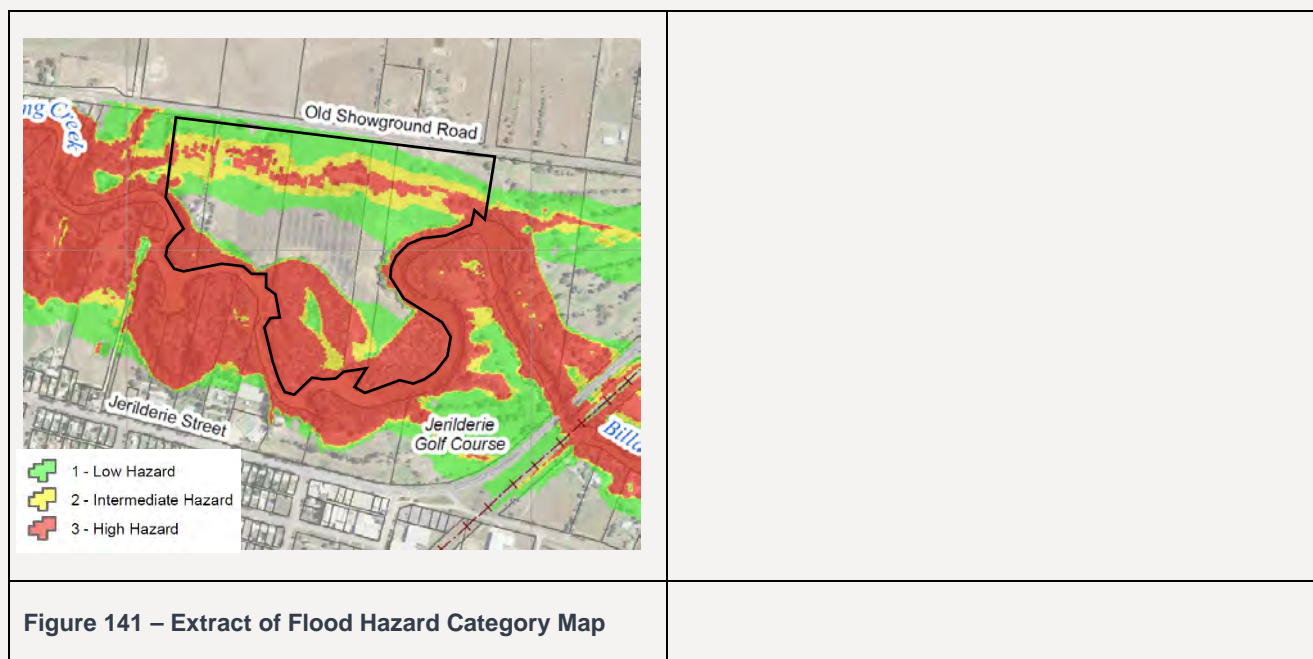


Figure 140 – Extract of Flood Extent and Depth Map



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

The Murrumbidgee Land Use Plan previously considered the social and economic effects of the proposed changes, namely based on the natural constraints of the land due to both flooding ('high hazard' and 'floodway'), as well as biodiversity.

Whilst it is acknowledged that the middle portion of the site is located above the relevant flood height, this portion of the land is landlocked and cannot be accessed without crossing through a floodway.

Although the total combined size of these three lots is 22ha, which could theoretically allow for the land to be subdivided under the current R5 zoning of land, which has a 2ha minimum lot size, given the significant flooding constraints applying to the land, it is highly unlikely that approval could be granted for a subdivision, particularly given it would require approval from the relevant flood authority.

As the land is unlikely to be able to be further developed, it is recommended that whilst the R5 Large Lot Residential zoning of the land be retained to reflect the context and setting of the area, the minimum lot size should be increased to 8ha. This would limit the ability to further subdivide the land, but would still allow for the erection of a dwelling on each lot, subject to compliance with relevant planning requirements such as flooding, effluent disposal, tree removal and the like.

This approach is consistent with the fact that a dwelling entitlement exists for the land as a previous dwelling existed on-site.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land is centrally located and adjoins land that has been developed for residential lifestyle purposes. The property has access to reticulated, electricity and telecommunications, as well as having direct access to Showground Road. There is ample capacity within these services to service the likely future development outcomes (3 dwellings).

Notwithstanding, specific details regarding on-site effluent disposal and site access will need to be addressed as part of any subsequent Development Application submitted for the site given the flooding constraints of the land.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

4.27. Site 26 – Wilson Road, Jerilderie

Address: Wilson Road, Jerilderie

Property Description: Lots 3 & 4, DP831820, Lots 153-155, DP756425

Description: The proposed amendment seeks to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential. The proposal also seeks to remove the 213ha that currently applies to this land and replace it with a 2ha minimum lot size consistent with other R5 zoned land in the LGA.

Figures showing the proposed changes are provided below.

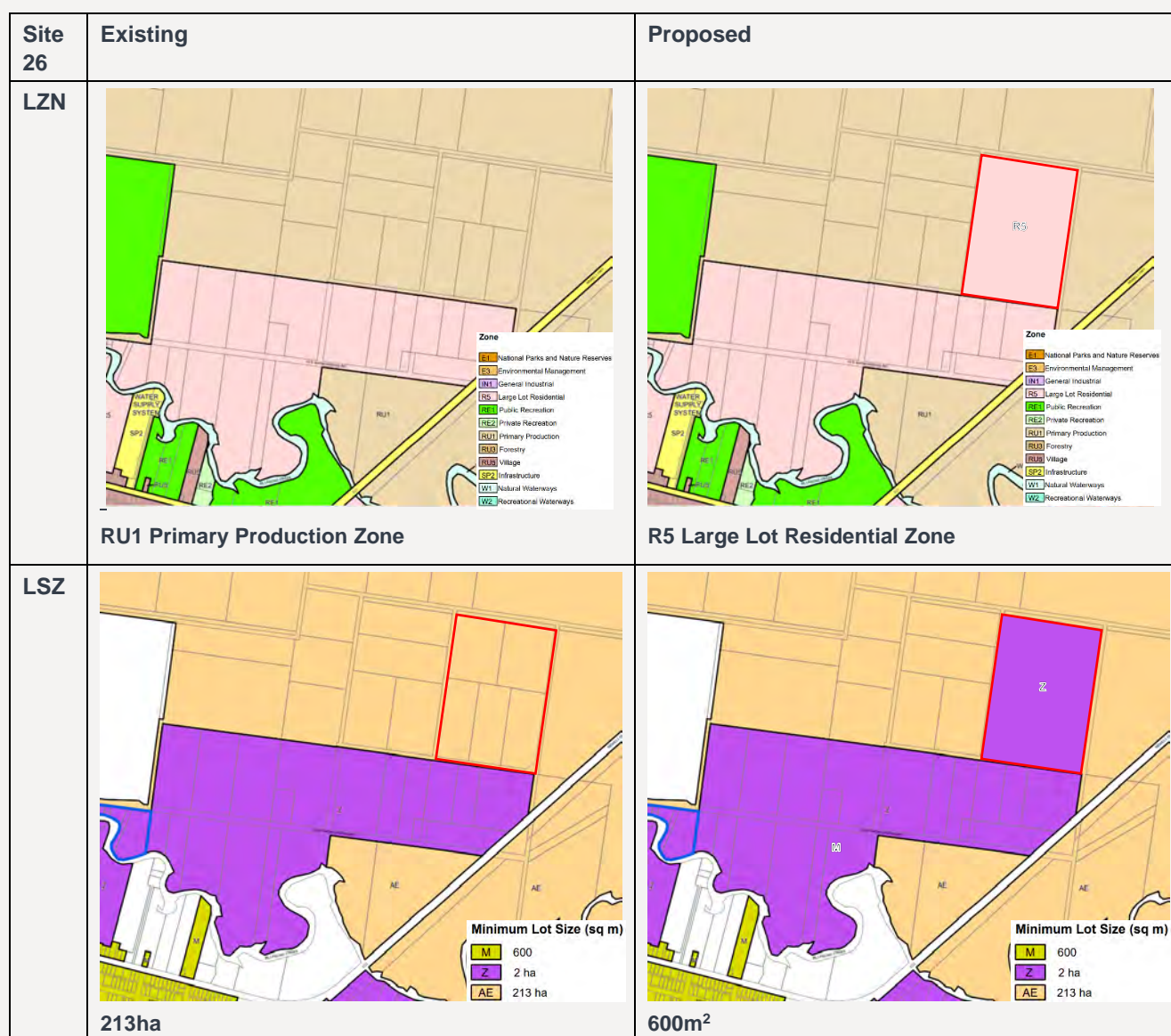


Figure 142 – Site 26: Recommended Mapping Changes

Section B – Relationship to Strategic Planning Framework Cont.

6. Is the planning proposal consistent with any applicable State Environmental Planning Policies (SEPPs)?

The only SEPP of relevance to this proposal is Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the SEPP'), which relates to the remediation of land. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

The subject land is rurally zoned and has traditionally been used for broadacre agricultural purposes. Whilst it is acknowledged that agriculture is a potentially contaminating activity, following a review of historical aerial photographs and a site inspection, the site does not display any signs of land contamination. Similarly, the subject land is not identified on Council's contaminated land map, as well as the EPA's contamination register.

Therefore, the subject land is considered fit for the intended purpose of large lot residential.

7. Is the planning proposal consistent with any applicable Ministerial Directions (Section 9.1 Directions)?

See Appendix E of the Murrumbidgee Land Use Plan for a response to Section 9.1 Directions.

Notwithstanding, the following table provides a specific response to relevant Section 9.1 Directions as they apply to the subject land and/or the proposal:

Table 33 – Site 26: Section 9.1 Ministerial Directions

Planning Direction	Response
5.1 – Integrating Land Use and Transport	<p>Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>It is noted that any future development of the subject land will require an upgrade of Wilson Road in accordance with Council's engineering design guidelines.</p>
6.1 – Residential Zones	<p>The provisions of Direction 6.1 apply as the Planning Proposal affects land within an existing or proposed residential zone (this includes R5 Large Lot Residential zone).</p> <p>The Planning Proposal is consistent with the aims and objectives of this Direction as it will increase the range and type of housing/lots (2ha) that is currently lacking within Jerilderie.</p> <p>The provision of R5 zoned land with a minimum lot size of 2ha will benefit the community as it does not seek to increase the supply of conventional urban land that is already available within the township.</p> <p>The subject Planning Proposal will only create approximately 13 new residential lots, which equates to an additional land supply of 26 years.</p> <p>The proposed works rezoning of this land will have an overall positive benefit and is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p>
9.1 – Rural Zones	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands</p>

	<p>apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries Agriculture provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have 'no objection to the draft Plan's recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha'.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2 – Rural Lands	See above further details.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land contains no overstorey vegetation and contains only non-native paddock grasses (PCT0).

Notwithstanding, a very small portion of the subject site along the eastern boundary is identified on Council's Terrestrial Biodiversity Map, which requires consideration of the requirements of Clause 6.4 of JLEP.

Lastly, an assessment of biodiversity constraints was prepared by AREA Environmental Consultants as part of the previous Murrumbidgee Land Use Plan. A copy of this assessment is included at **Attachment D**.

In summary, the future development of this land will not have an adverse impact on any matters regarding biodiversity.



Figure 143 – Extract of State Vegetation Map



Figure 144 – Extract of Terrestrial Biodiversity Map

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

The subject land is not known to be contaminated, nor is it identified as being bushfire prone or flood prone.

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

The proposed rezoning of this land will have an overall positive social and economic impact as it will increase the range and type of residential allotments and housing available within Jerilderie. At present, there is a lack of diversity in the type of housing available within the township. The rezoning of this land as proposed will seek to address this shortfall.

Matters regarding land use conflicts have also been assessed and are considered appropriate in this instance as the land adjoins similar zoned R5 zoned land to the south, as well as other smaller rural holdings. Wilson Road also provides a physical barrier to adjoining RU1 zoned land to the north.

See Murrumbidgee Land Use Plan for further details.

Section D – Infrastructure (Local, State and Commonwealth)

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

The subject land can be appropriately serviced with water and road infrastructure. Council's engineers have confirmed that there is ample capacity within the existing reticulated water network, which will need to be augmented and extended to service this land.

Similarly, the land has access to Wilson Road to the north, which will be required to be upgraded as part of the future development of this land. All other service connections are available to the site or could be made available.

Matters regarding sewerage have also been considered. In recognition of current constraints within Council's reticulated sewerage network, the Planning Proposal seeks to rezone the land R5 Large Lot Residential with a 2ha minimum lot size. In doing so, this will allow for the use of on-site effluent disposal subject to the submission of a Land Capability Assessment at the time of development. The size of this block will allow for ample opportunities to dispose of effluent on-site without causing environmental harm, whilst also not placing any additional demands on Council's sewerage treatment plant.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform 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. It is noted however that consultation was undertaken with relevant authorities as part of the preparation of the Murrumbidgee Land Use Strategy.

It is confirmed that none of these agencies raised concerns with the site-specific outcomes proposed for this site.

5. Mapping

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

It is noted however that every map contained within both MLEP and JLEP will be amended as they will be renumbered and consolidated upon finalisation of the consolidation LEP:

Table 34 – Summary of Specific LEP Maps to be amended by Planning Proposal

Murrumbidgee Local Environmental Plan 2013	Jerilderie Local Environmental Plan 2012
<u>Land Zoning</u> <ul style="list-style-type: none"> • LZN_009 • LZN_009A • LZN_010A • LZN_011A 	<u>Land Zoning</u> <ul style="list-style-type: none"> • LZN_007A
<u>Minimum Lot Size:</u> <ul style="list-style-type: none"> • LSZ_009 • LSZ_009A • LSZ_010A • LSZ_011A 	<u>Minimum Lot Size:</u> <ul style="list-style-type: none"> • LSZ_007A
	<u>Heritage:</u> <ul style="list-style-type: none"> • HER_007A
	<u>Terrestrial Biodiversity:</u> <ul style="list-style-type: none"> • BIO_007A

Further details regarding the proposed amendments to the individual map sheets are provided in Section 4 of this Planning Proposal and are reproduced below.

Council requests the ability to lodge the template maps at Section 3.36 stage rather than prior to exhibition. The maps provided as part of this Planning Proposal are detailed enough for public exhibition purposes.

Specifically, 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).

It is further requested that NSW DPE provide mapping support for the preparation of the new consolidated Council wide LEP maps.

A consolidated plan showing the proposed LEP map changes as they relate to each township is provided below for information purposes. Specific details of the individual changes are provided following these figures.

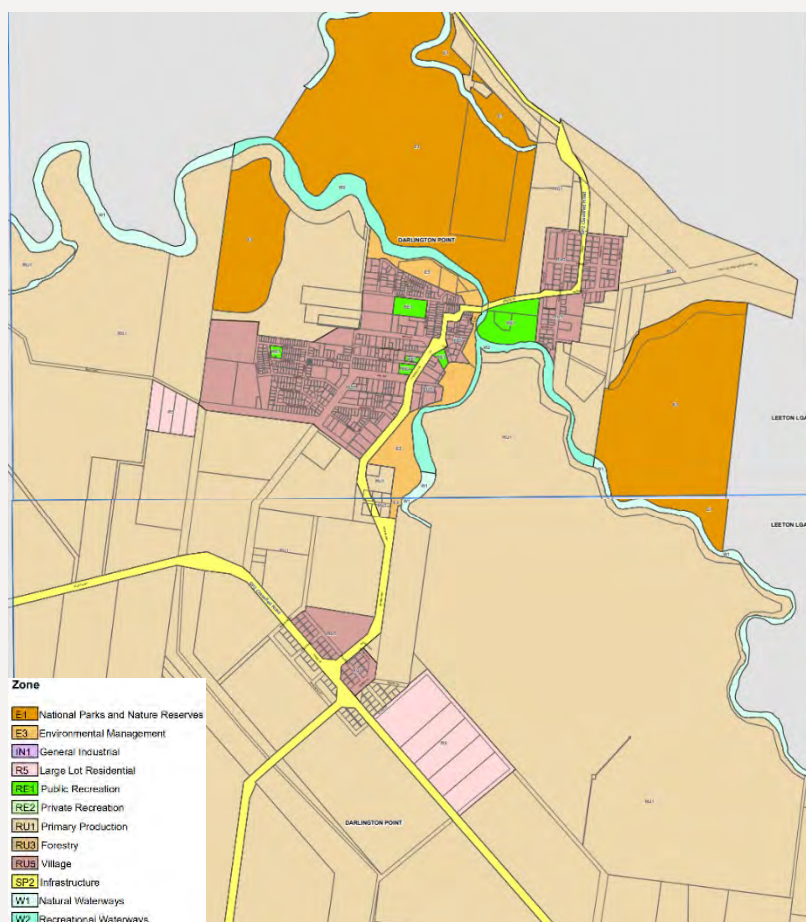


Figure 145 – Existing Land Zoning Map – Darlington Point

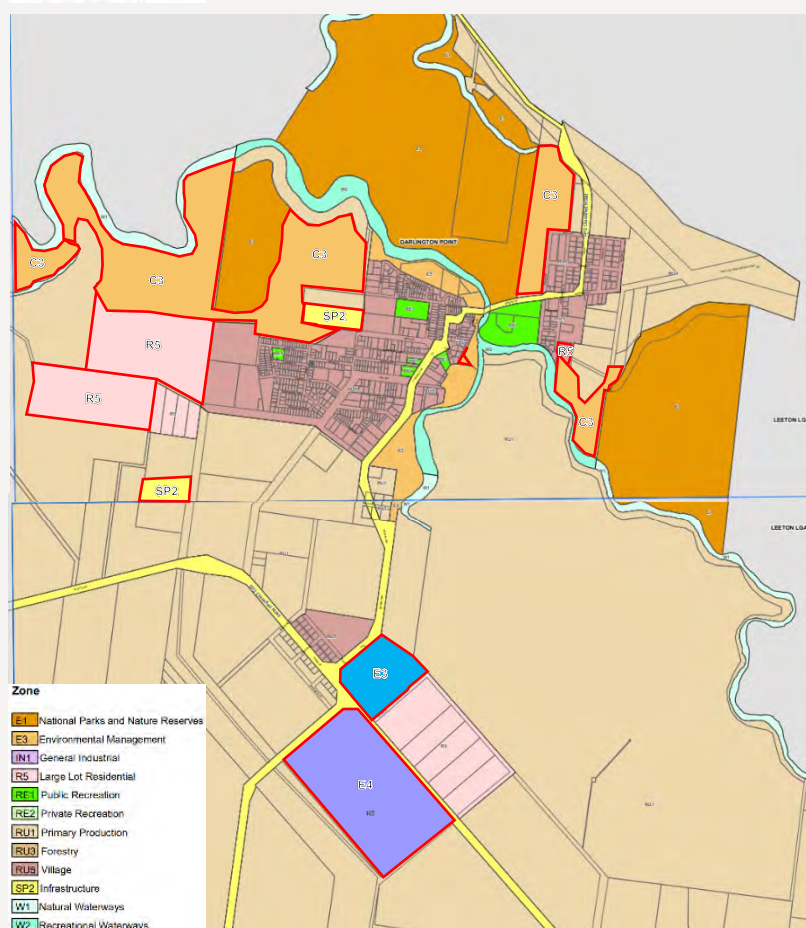


Figure 146 – Proposed Land Zoning Map – Darlington Point

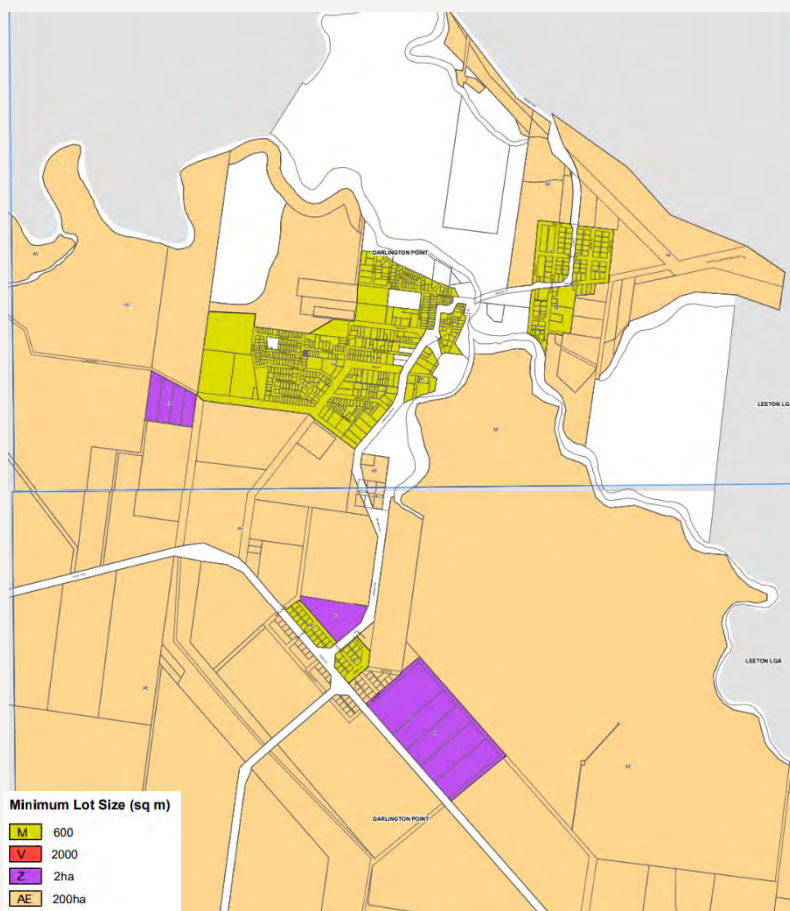


Figure 147 – Existing Minimum Lot Size Map – Darlington Point

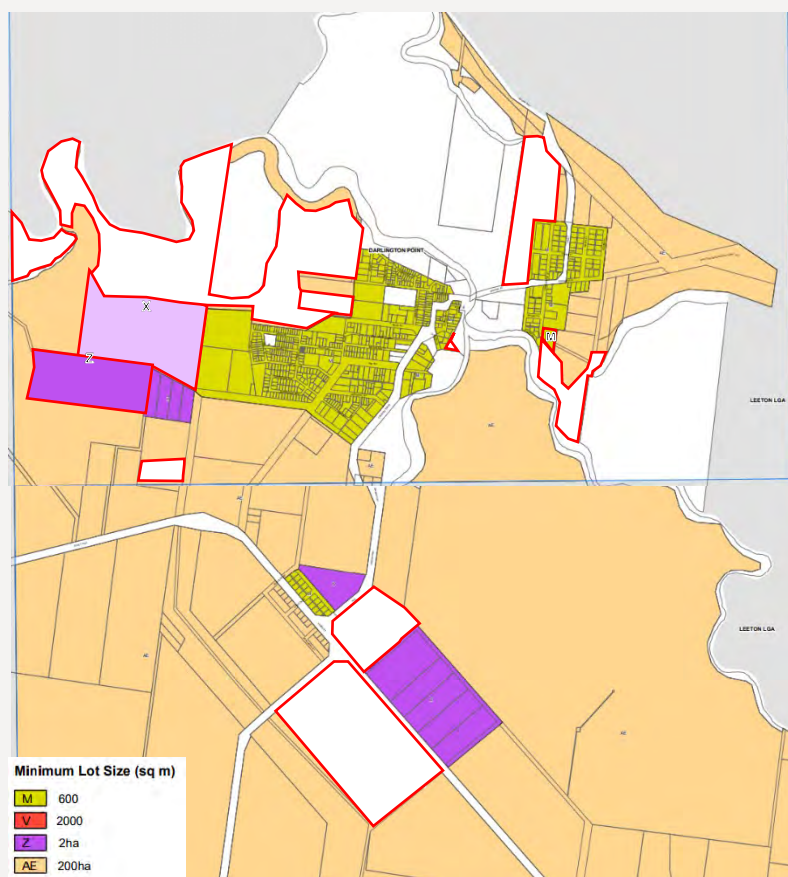


Figure 148 – Proposed Minimum Lot Size Map – Darlington Point

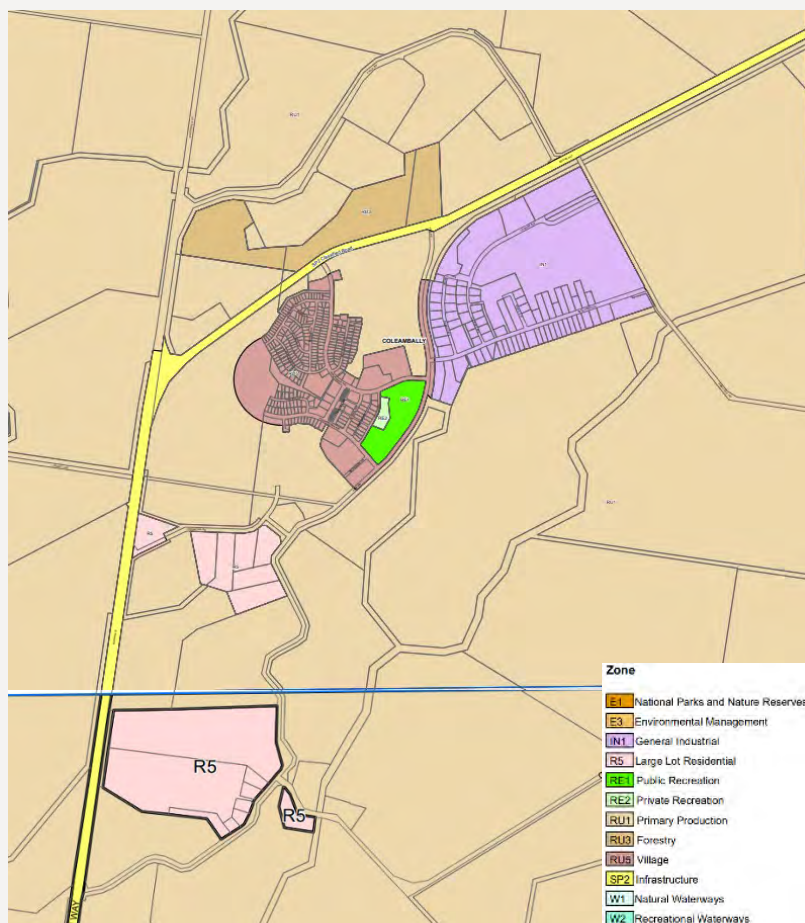


Figure 149 – Existing Land Zoning Map – Coleambally

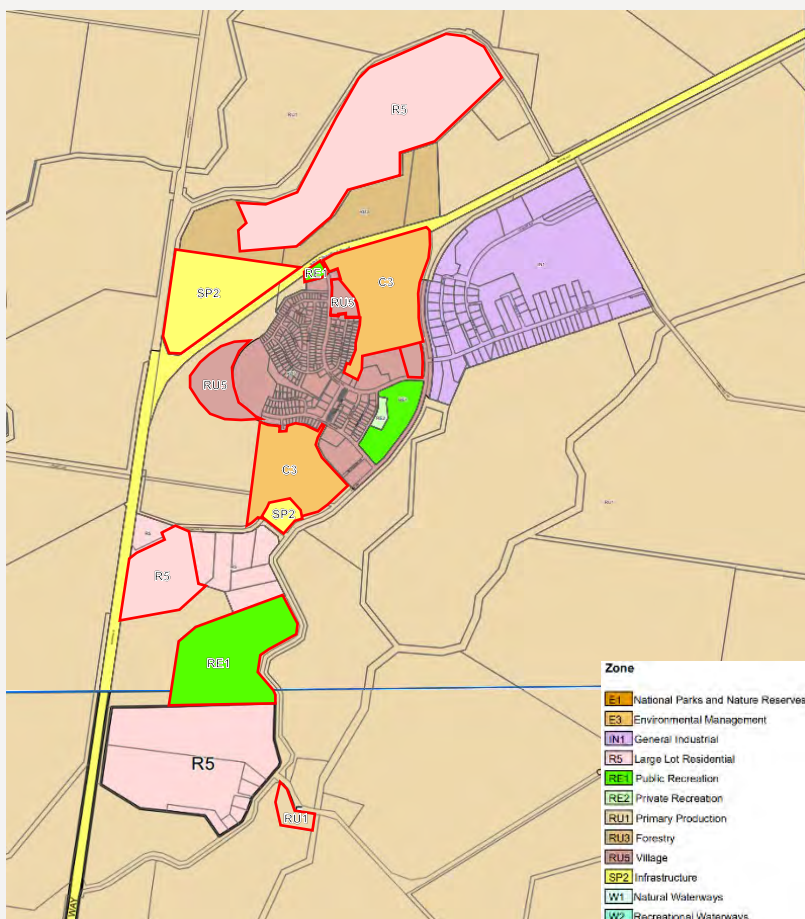


Figure 150 – Proposed Land Zoning Map – Coleambally

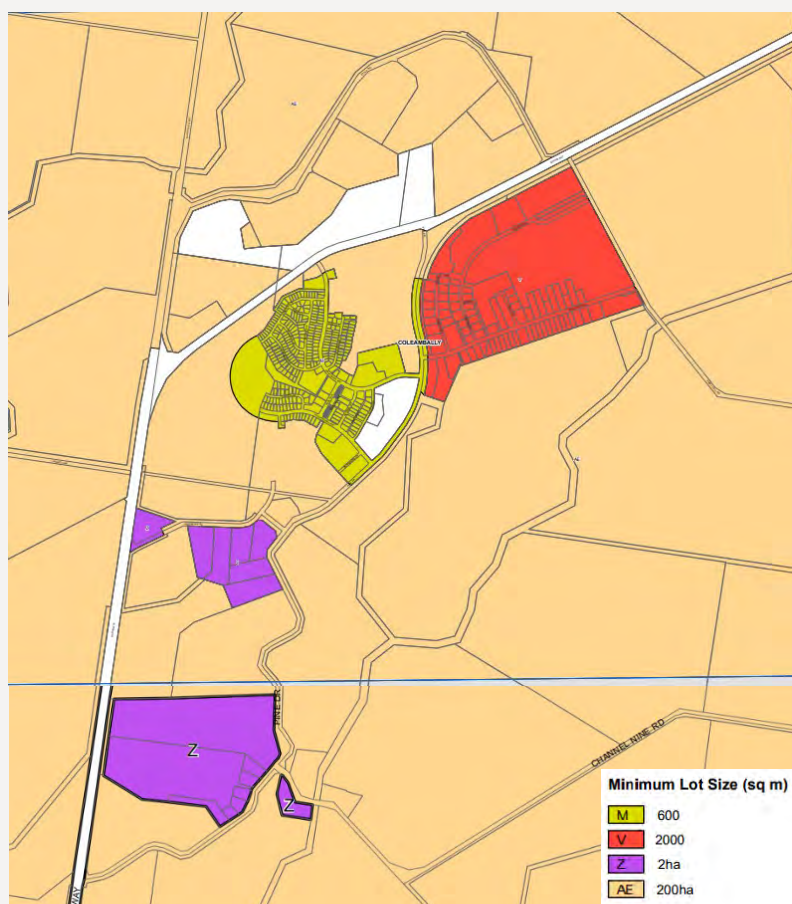


Figure 151 – Existing Minimum Lot Size Map – Coleambally

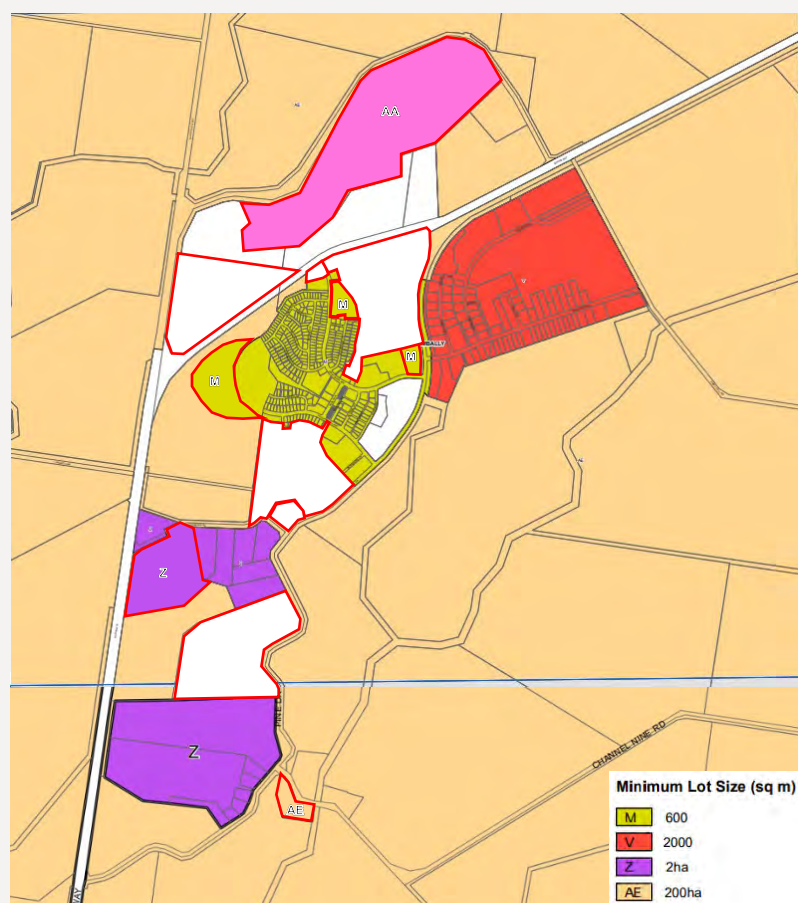


Figure 152 – Proposed Minimum Lot Size Map – Coleambally



Figure 153 – Existing Land Zoning Map – Jerilderie

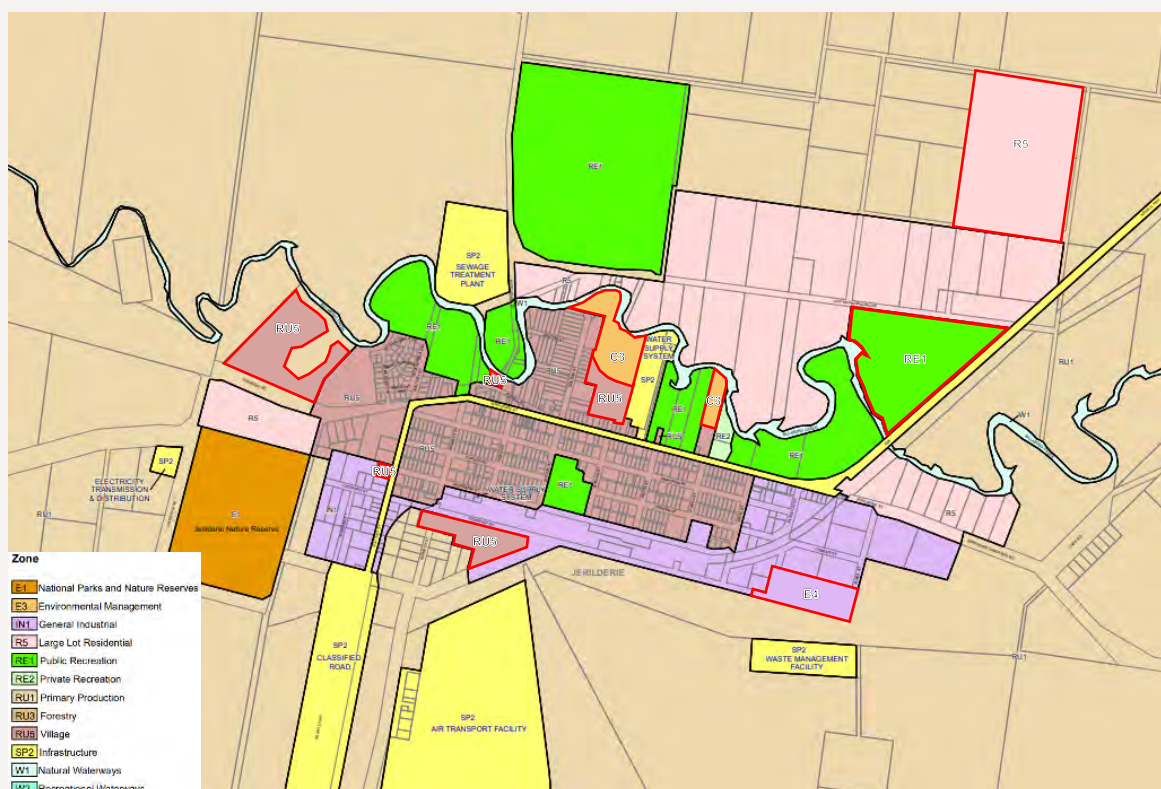


Figure 154 – Proposed Land Zoning Map – Jerilderie

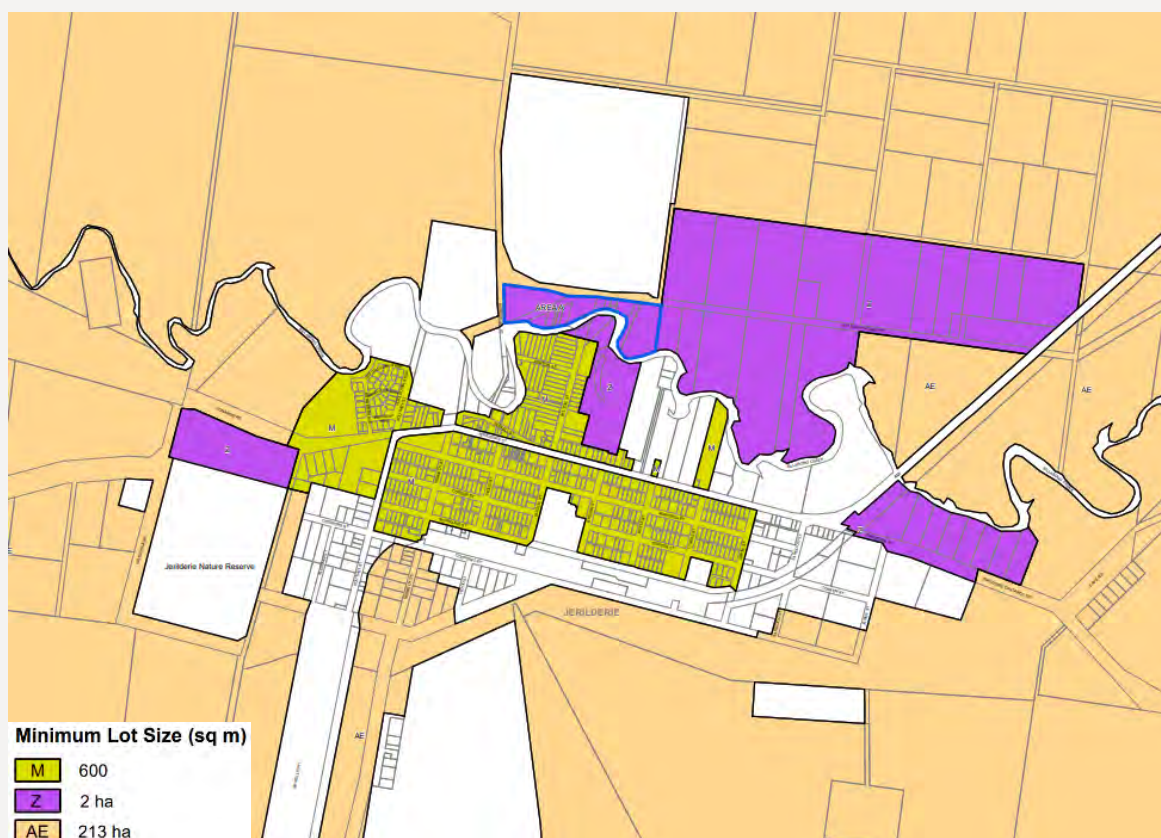


Figure 155 – Existing Minimum Lot Size Map – Jerilderie

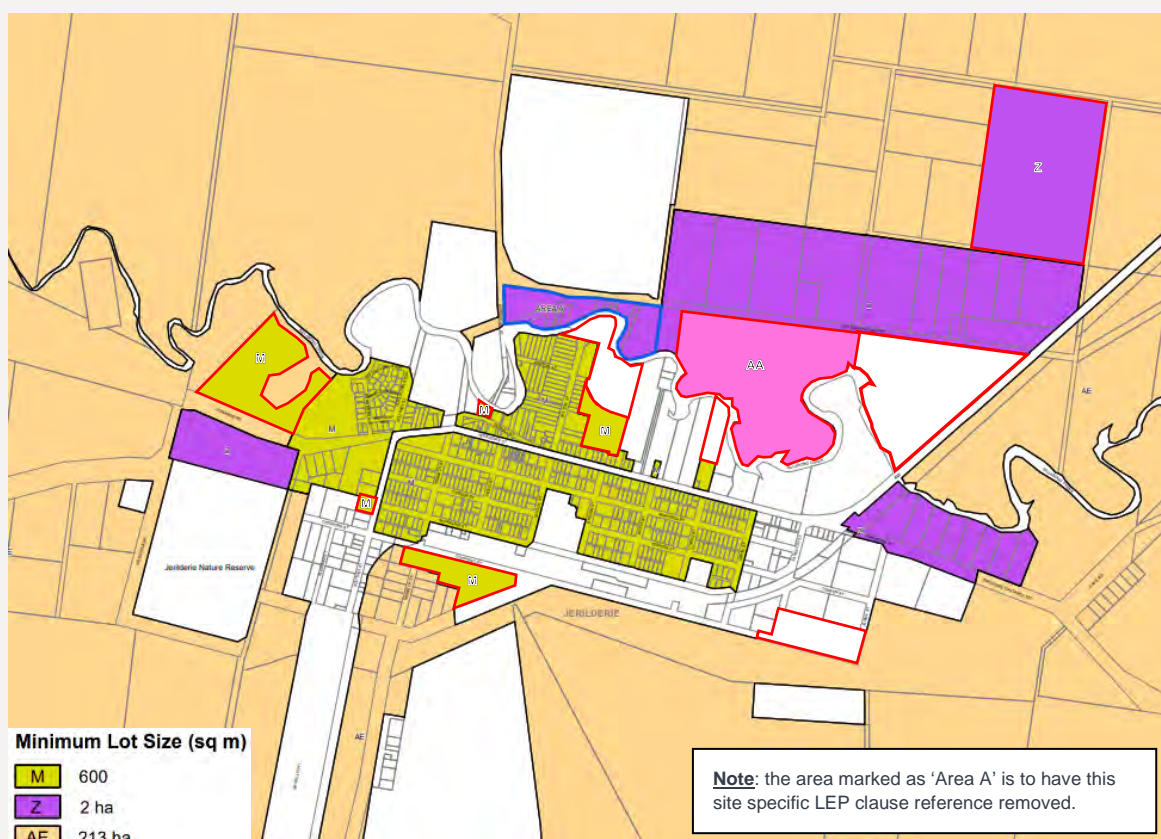




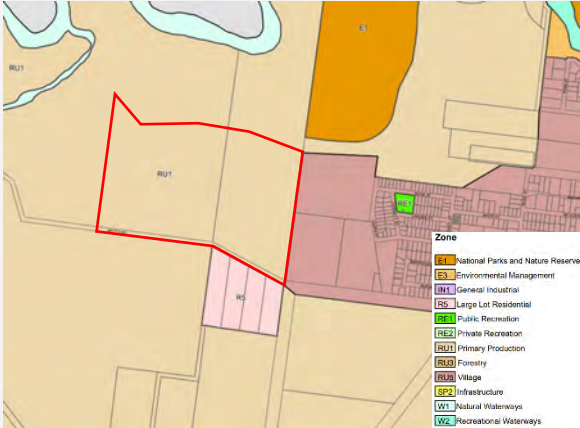
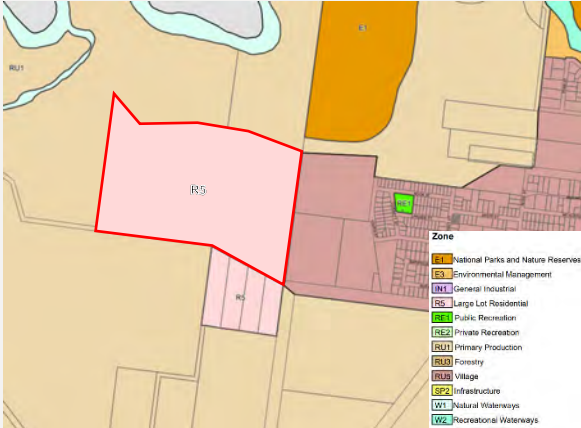
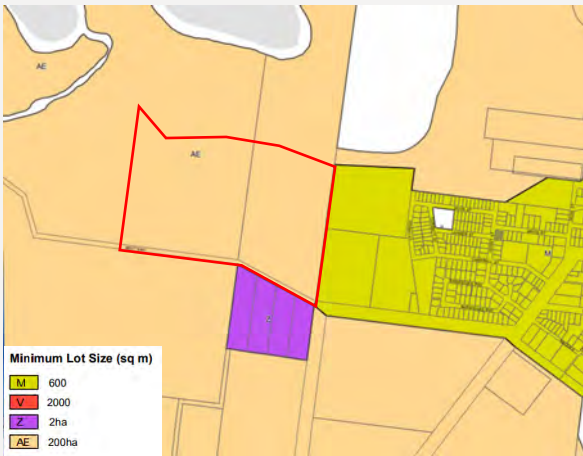
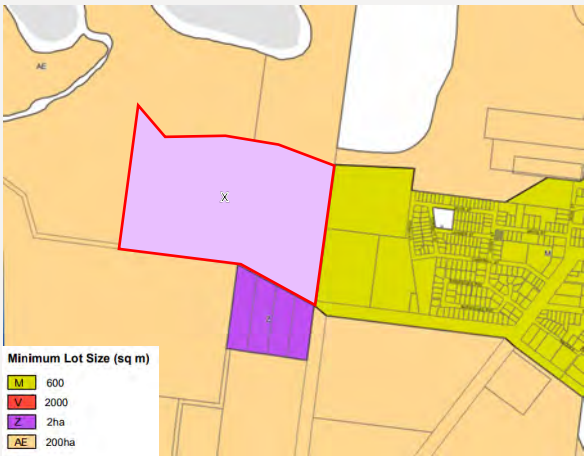
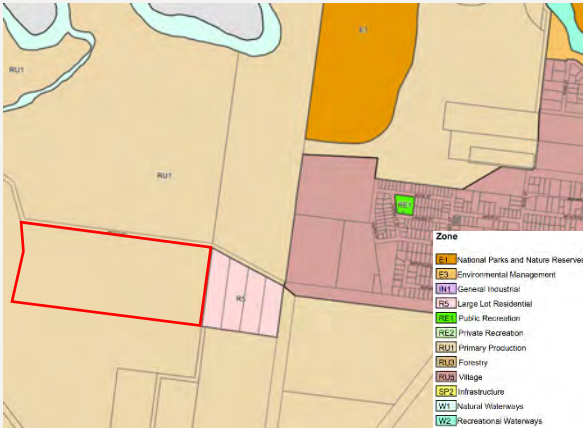
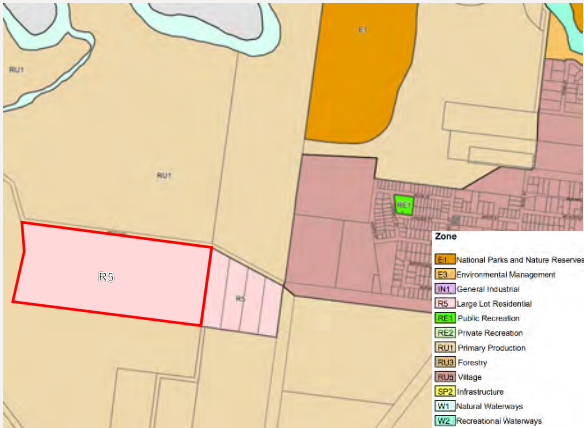
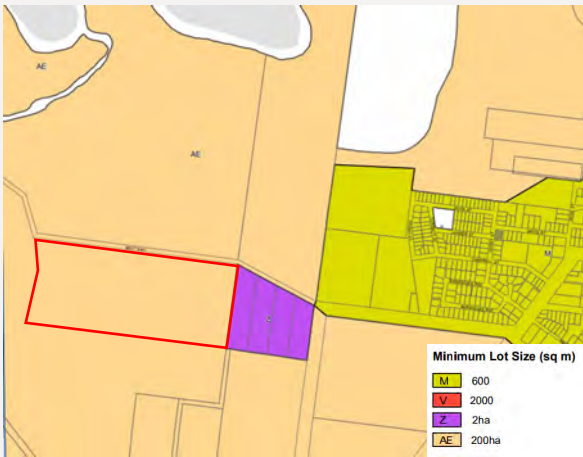
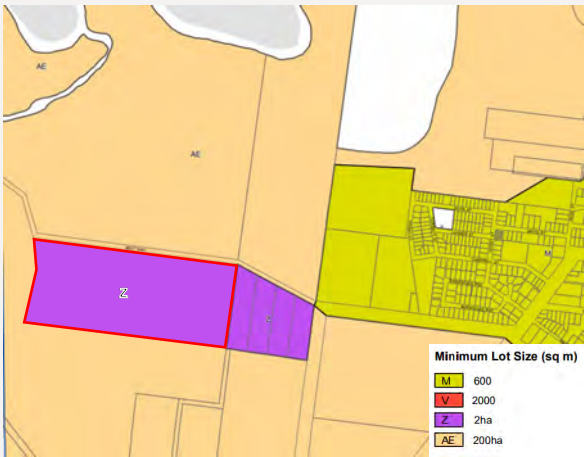
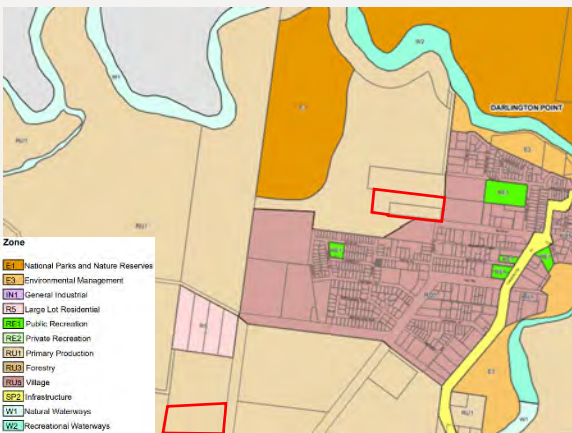
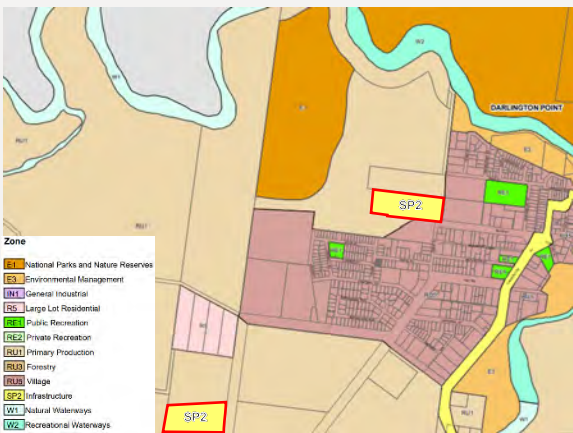

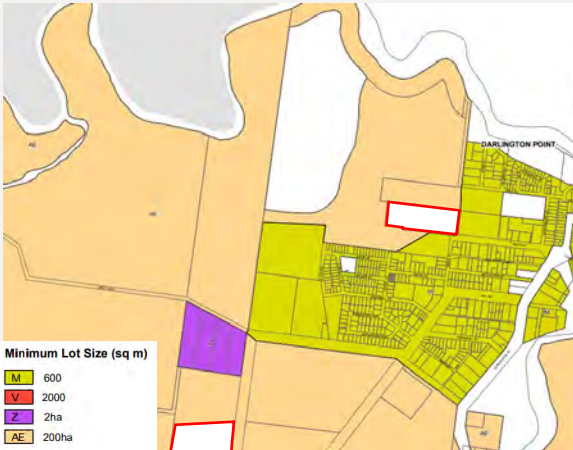
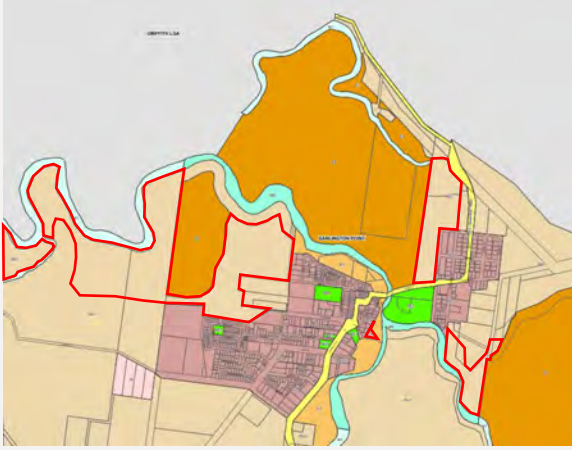
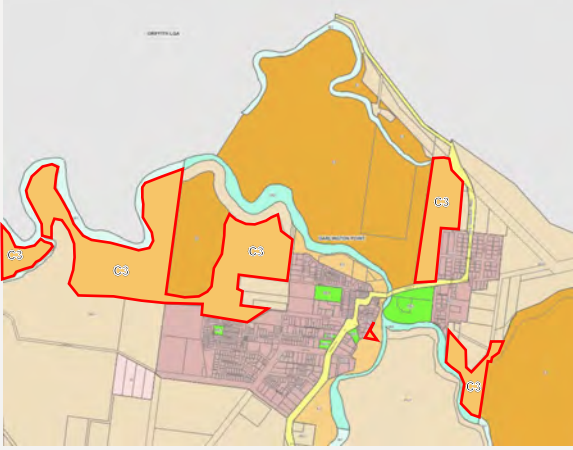


Figure 156 – Proposed Minimum Lot Size Map – Jerilderie

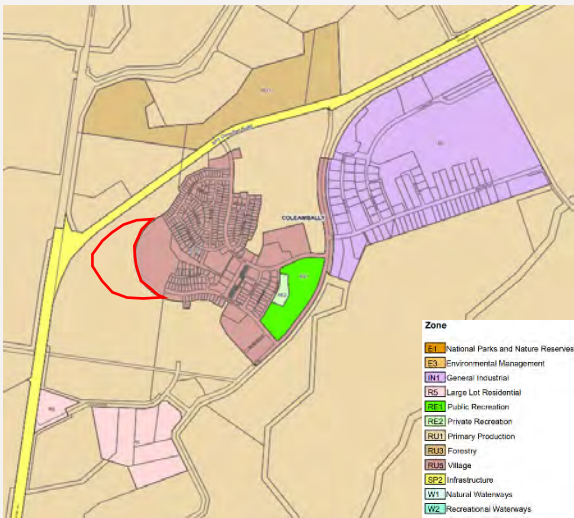
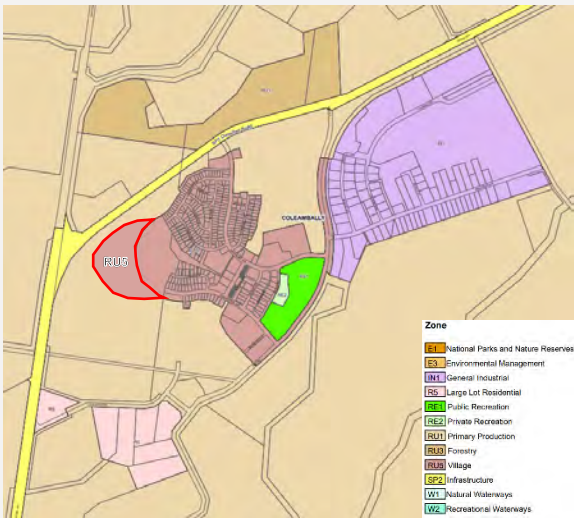
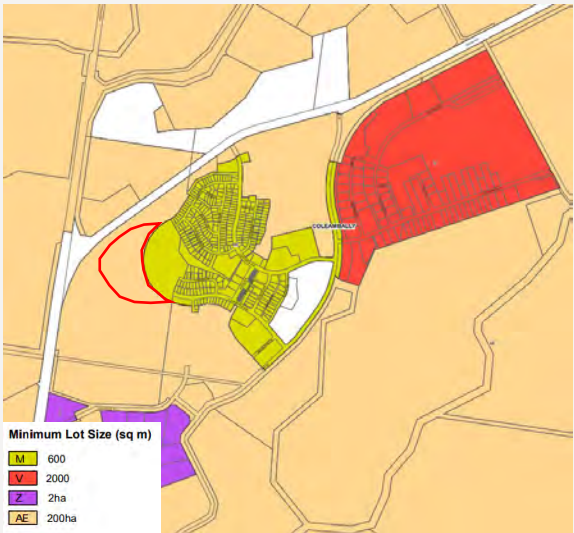
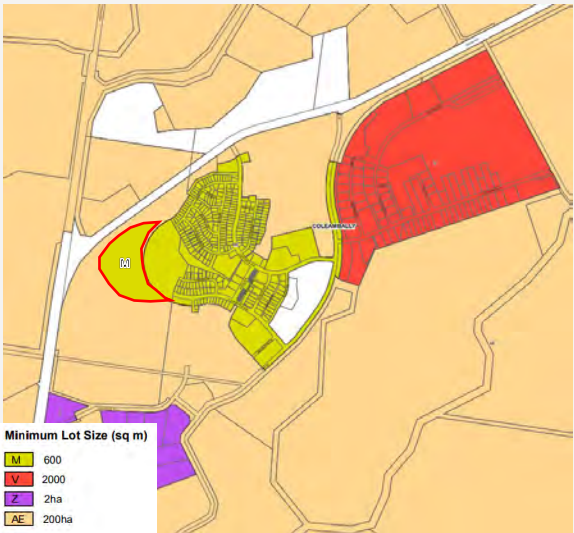
Site 1	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>E4 General Industrial Zone</p>
LSZ	 <p>200ha</p>	 <p>No minimum lot size</p>

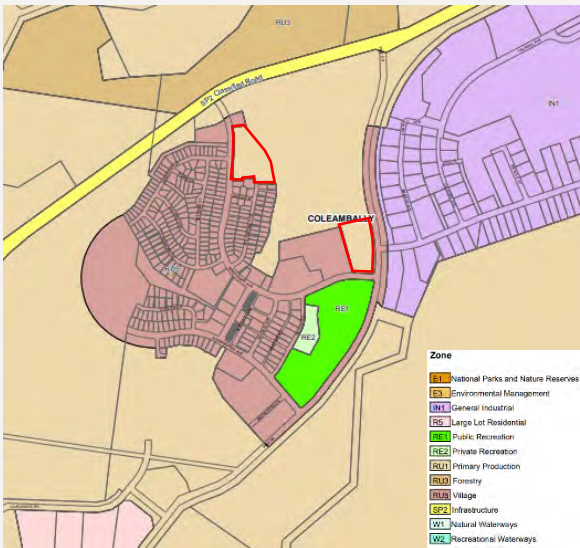
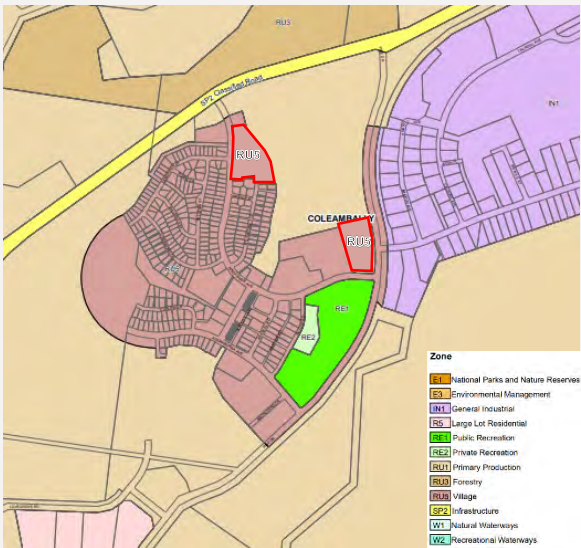
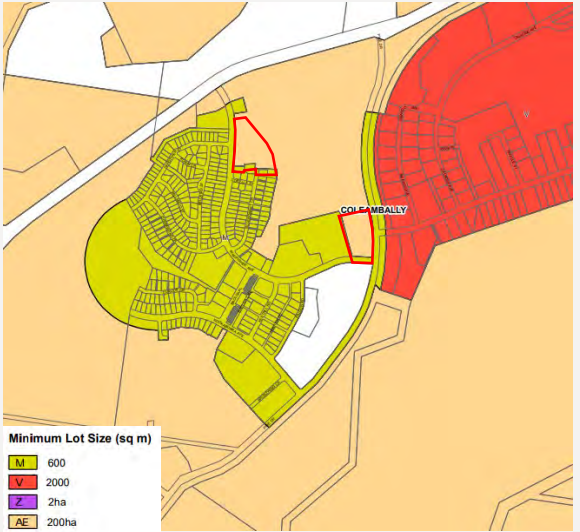
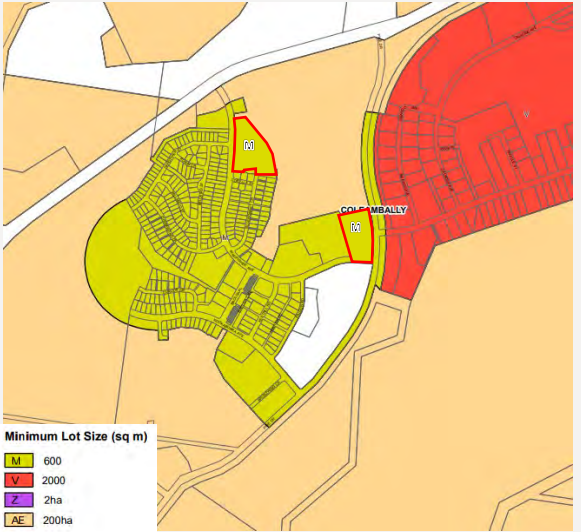
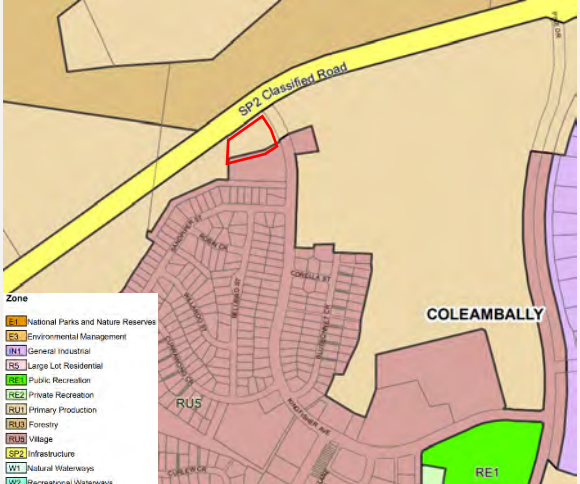
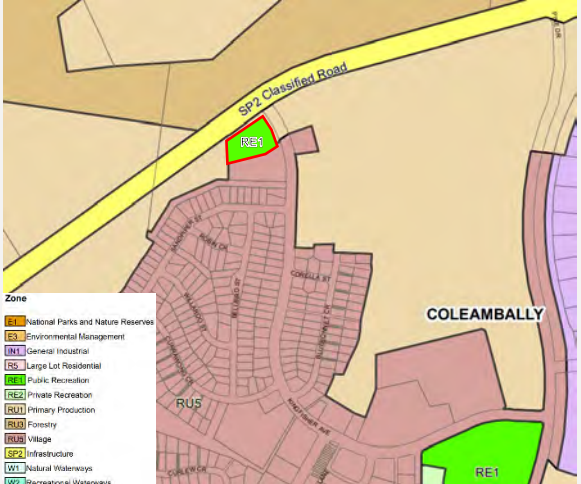
Site 2	Existing	Proposed
LZN	 <p>RU5 Village Zone & RU1 Primary Production Zone</p>	 <p>E3 Productivity Support</p>
LSZ	 <p>600m² and 200ha</p>	 <p>No minimum lot size</p>
Site 3	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>R5 Large Lot Residential</p>

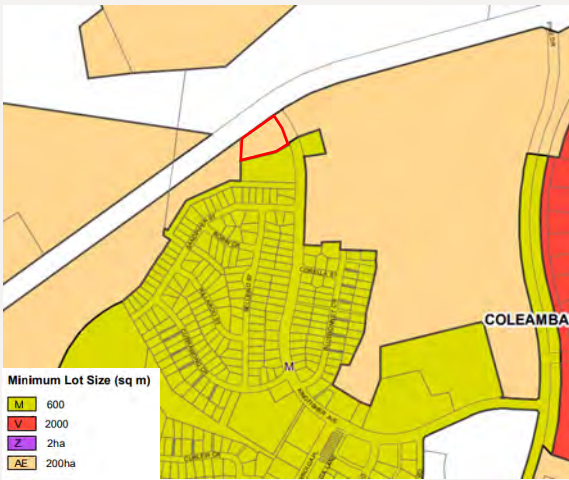
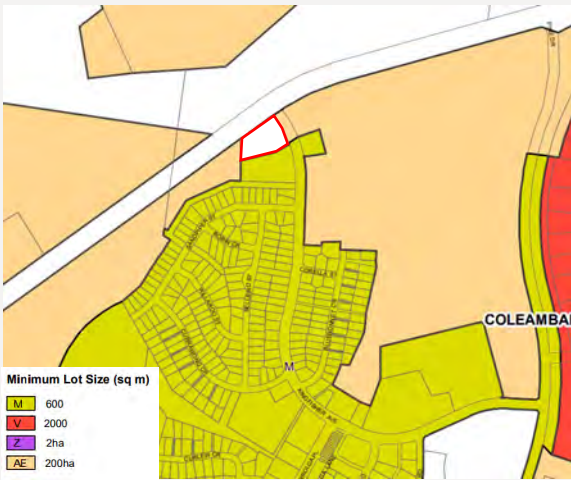
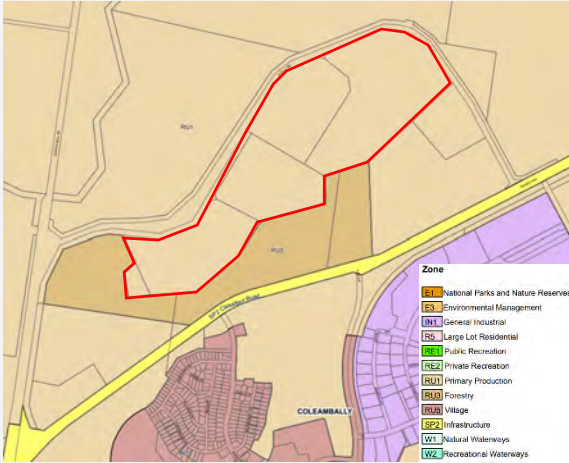
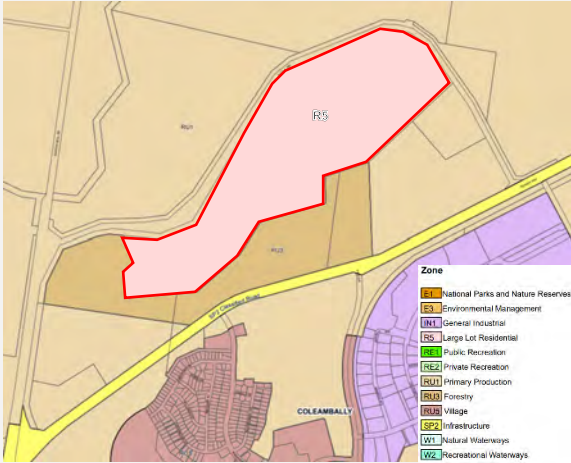
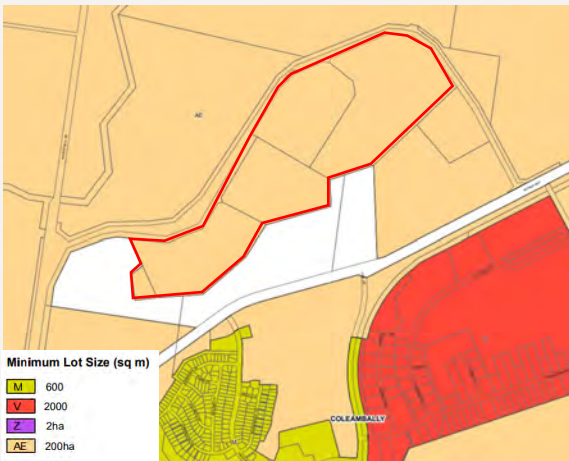
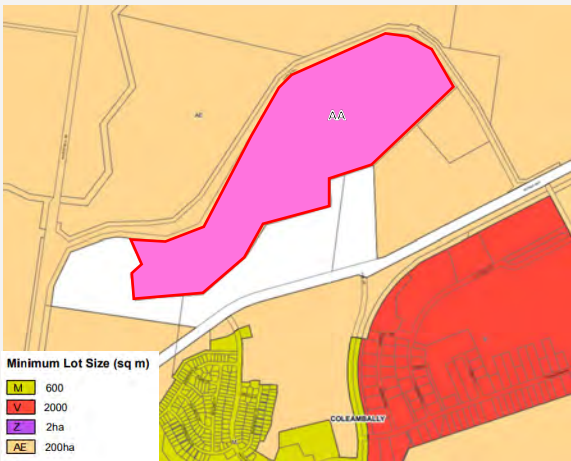
LSZ	 <p>200ha</p>	 <p>5,000m²</p>
Site 4	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>R5 Large Lot Residential</p>
LSZ	 <p>200ha</p>	 <p>2ha</p>

Site 5	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>SP2 Infrastructure</p>
LSZ	 <p>200ha</p>	 <p>No minimum lot size</p>
Site 6	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>C3 Environmental Management</p>

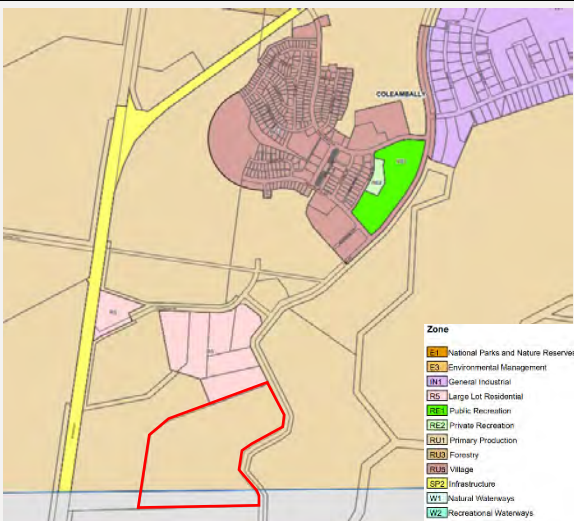
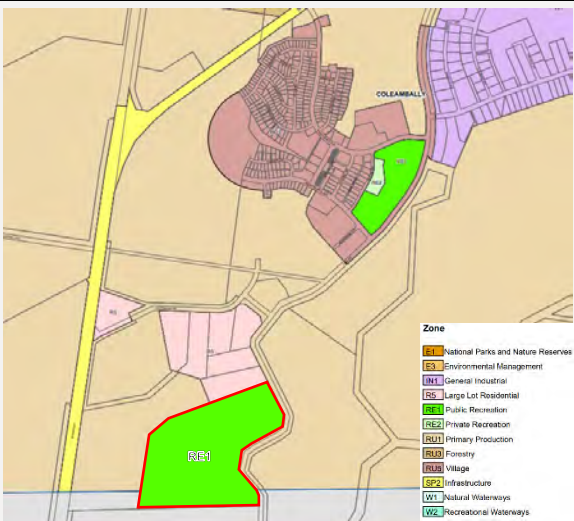
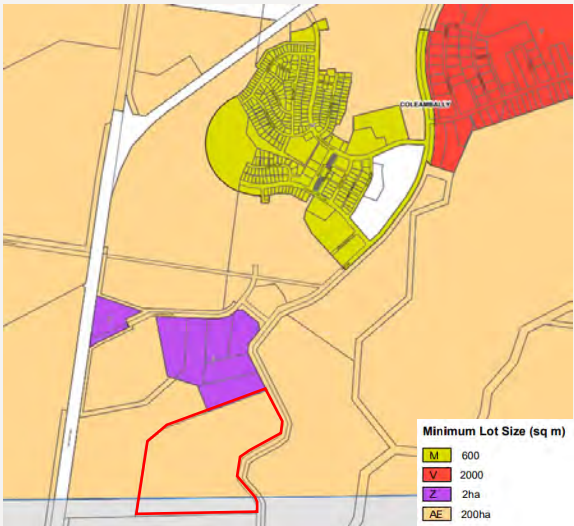
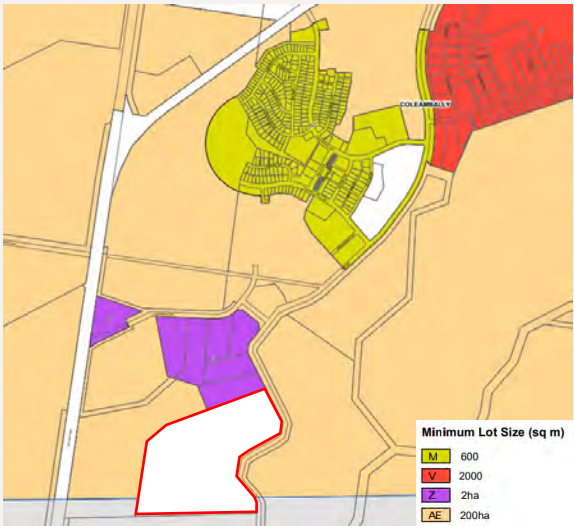
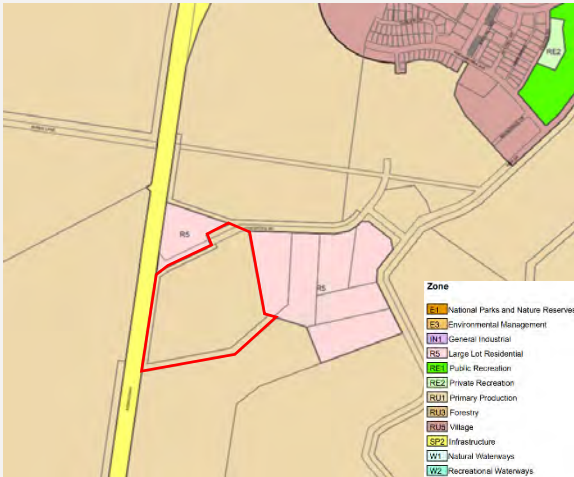
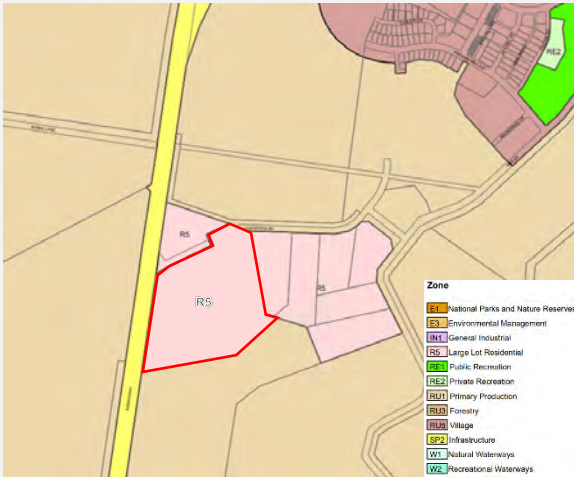
02577 Murrumbidgee Comprehensive Consolidating Local Environmental Plan

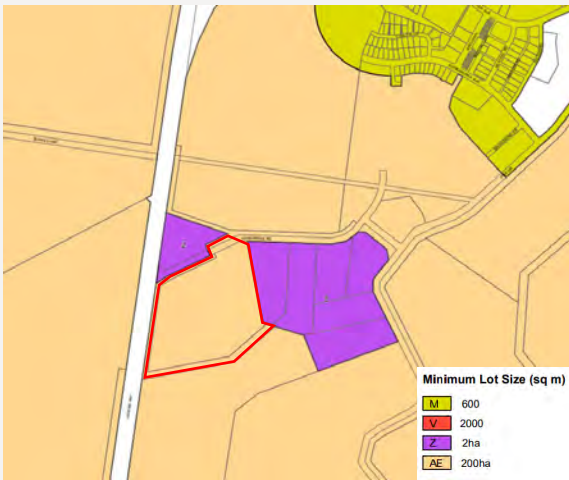
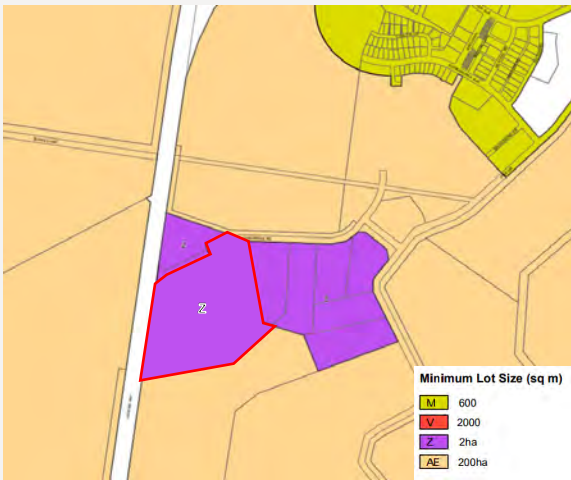
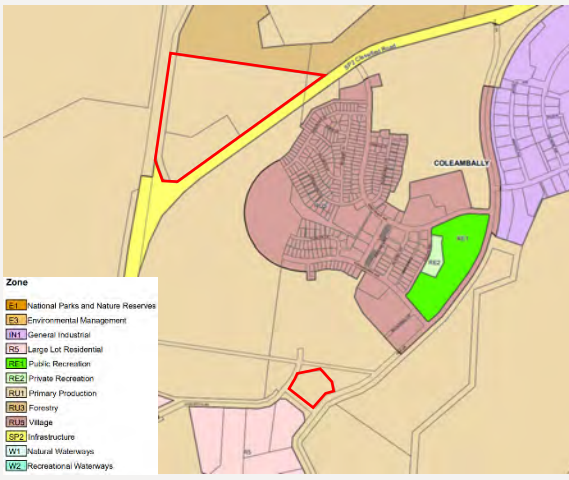
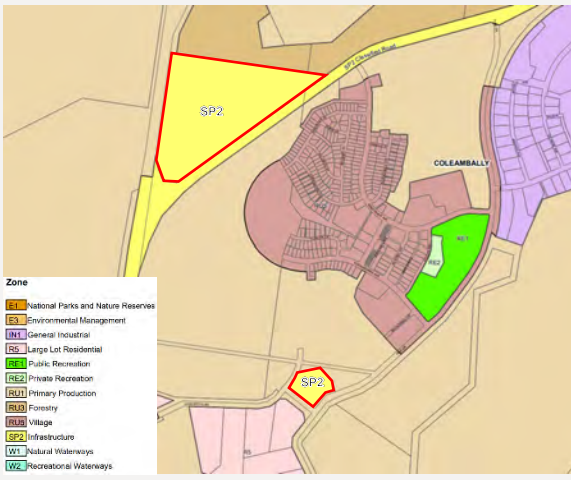
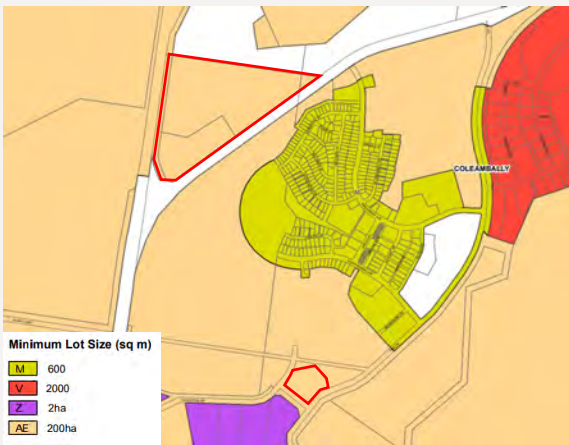
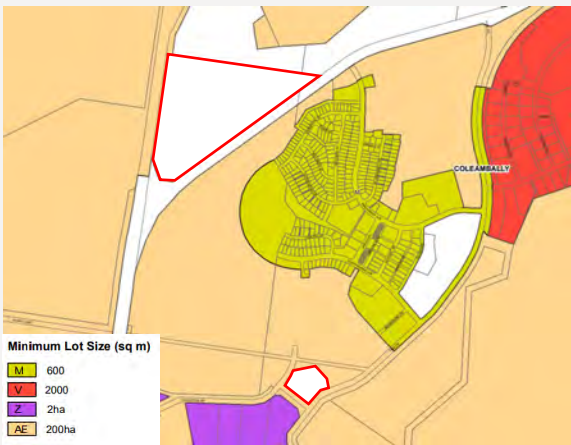
Site 8	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>RU5 Village</p>
LSZ	 <p>200ha</p>	 <p>600m²</p>

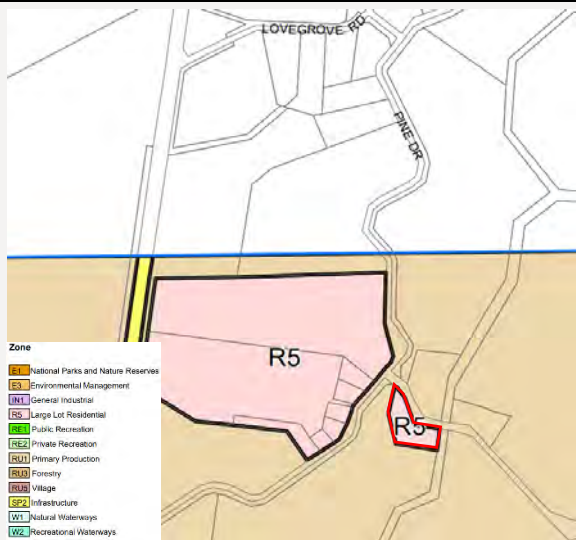
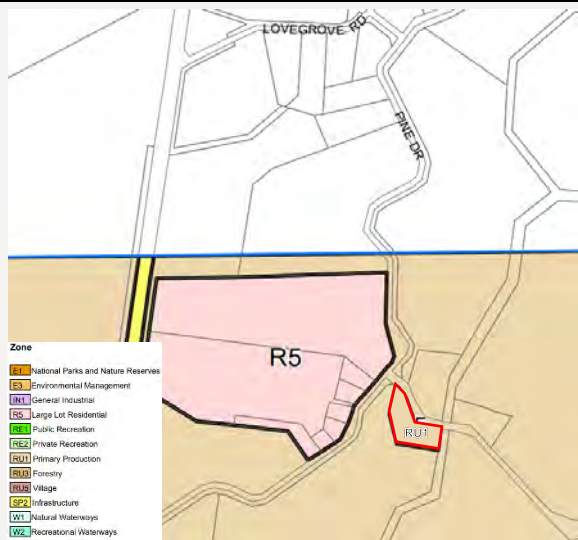
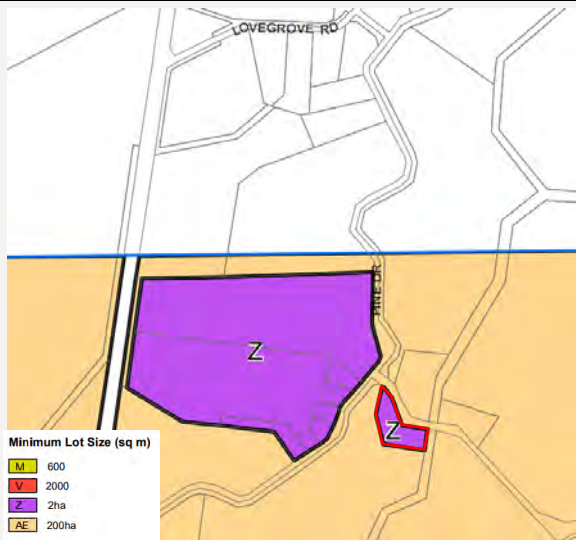
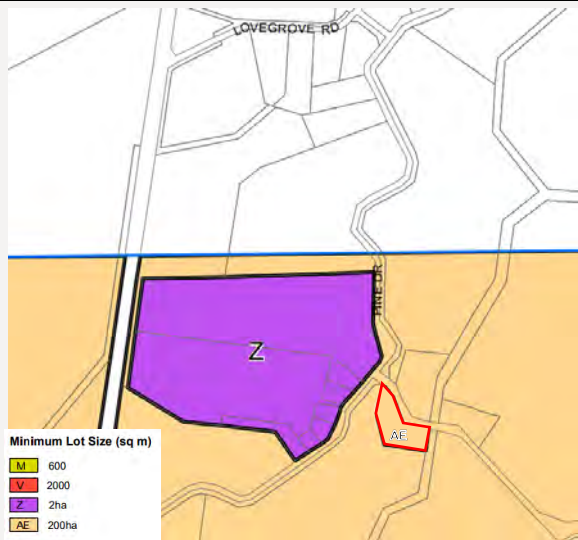
Site 9	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>RU5 Village Zone</p>
LSZ	 <p>200ha</p>	 <p>600m²</p>
Site 10	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>RE1 Public Recreation</p>

LSZ	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 V 2000 Z 2ha AE 200ha <p>200ha</p>	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 V 2000 Z 2ha AE 200ha <p>No minimum lot size</p>
Site 11	Existing	Proposed
LZN	 <p>Zone</p> <ul style="list-style-type: none"> NP National Parks and Nature Reserves EM Environmental Management GI General Industrial LR Large Lot Residential PR Public Recreation RE Private Recreation RU Primary Production RU1 Primary Production RU2 Forestry RU3 Village SP Infrastructure WT Natural Waterways RE2 Recreational Waterways <p>RU1 Primary Production Zone</p>	 <p>Zone</p> <ul style="list-style-type: none"> NP National Parks and Nature Reserves EM Environmental Management GI General Industrial LR Large Lot Residential PR Public Recreation RE Private Recreation RU Primary Production RU1 Primary Production RU2 Forestry RU3 Village SP Infrastructure WT Natural Waterways RE2 Recreational Waterways <p>R5 Large Lot Residential</p>
LSZ	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 V 2000 Z 2ha AE 200ha <p>200ha</p>	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 V 2000 Z 2ha AE 200ha <p>5ha</p>

Site 12	Existing	Proposed
LZN	<p>RU1 Primary Production Zone</p>	<p>C3 Environmental Management</p>
LSZ	<p>200ha</p>	<p>No minimum lot size</p>

Site 13	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>RE1 Public Recreation</p>
LSZ	 <p>200ha</p>	 <p>No minimum lot size</p>
Site 14	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>R5 Large Lot Residential</p>

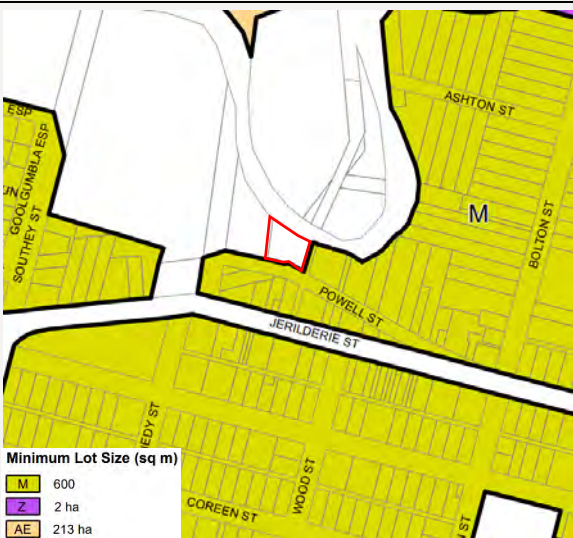
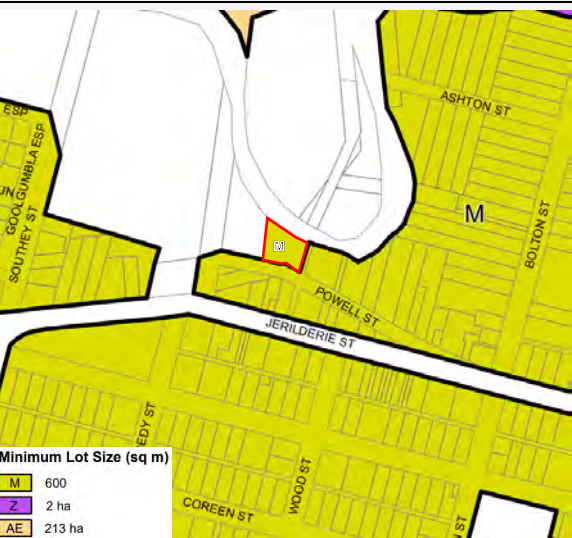
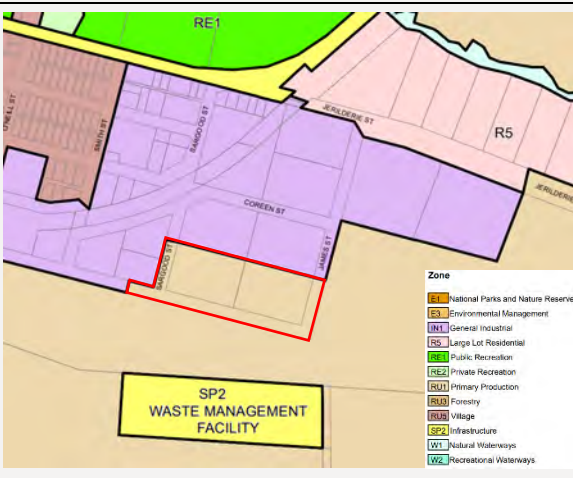
LSZ	 <p>200ha</p>	 <p>2ha</p>
Site 15	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>SP2 Infrastructure Zone</p>
LSZ	 <p>200ha</p>	 <p>No minimum lot size</p>

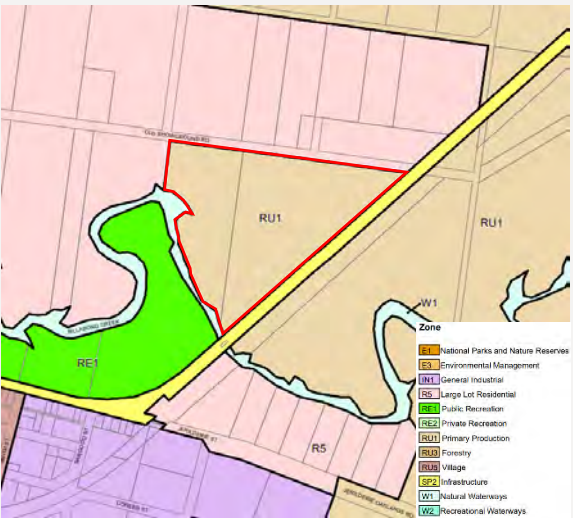
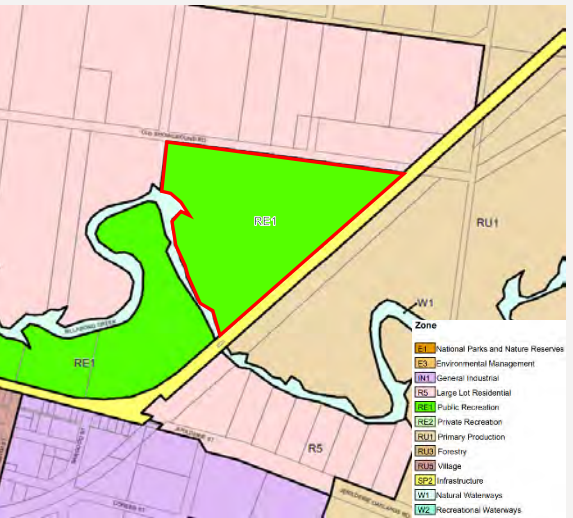
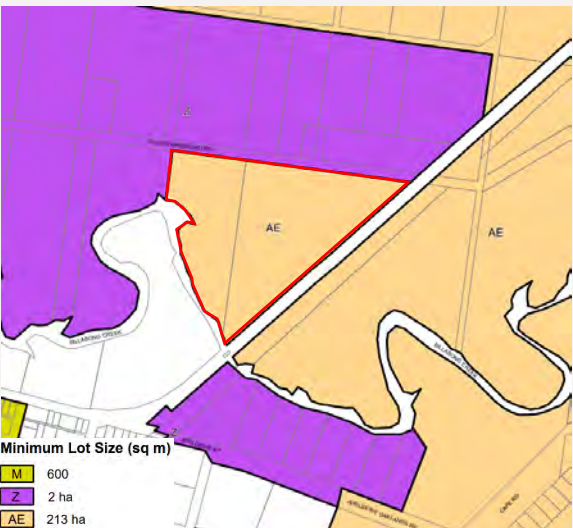
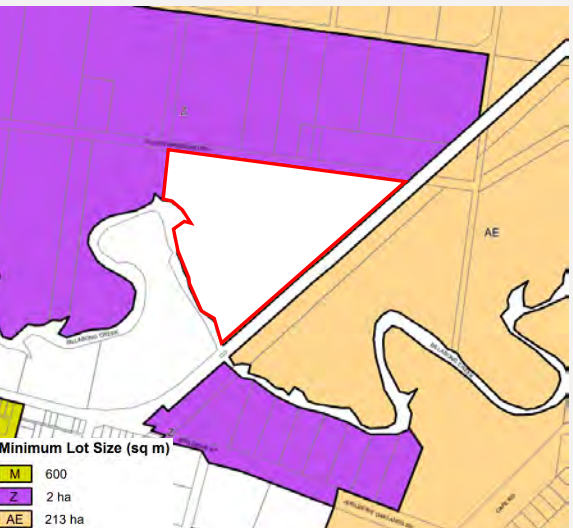


Site 16	Existing	Proposed
LZN	 <p>R5 Large Lot Residential Zone</p>	 <p>RU1 Primary Production Zone</p>
LSZ	 <p>2ha</p>	 <p>200ha</p>

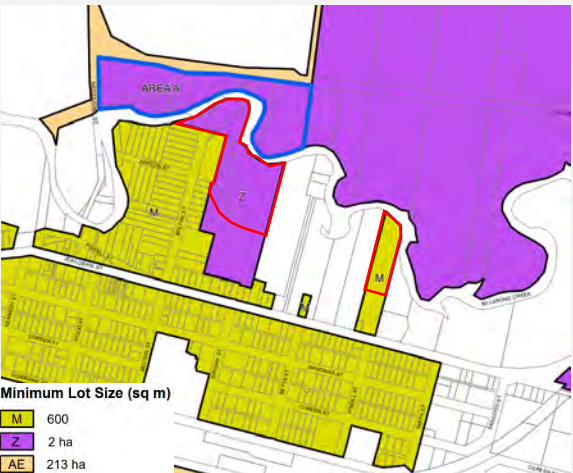
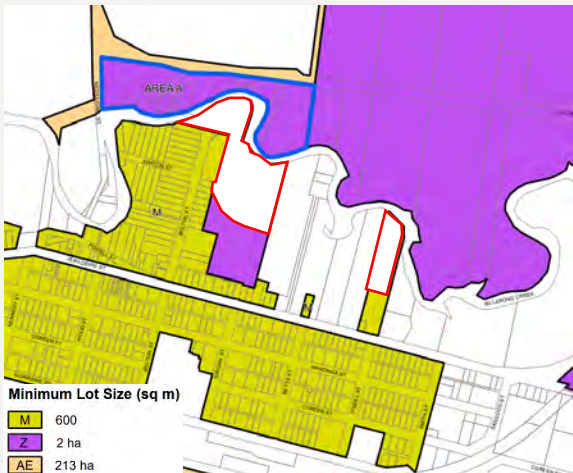
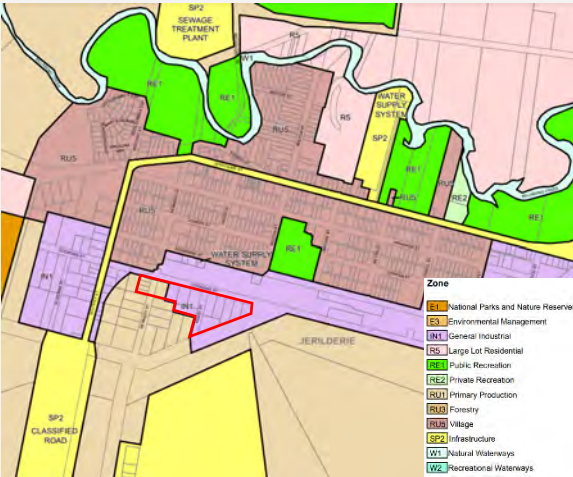
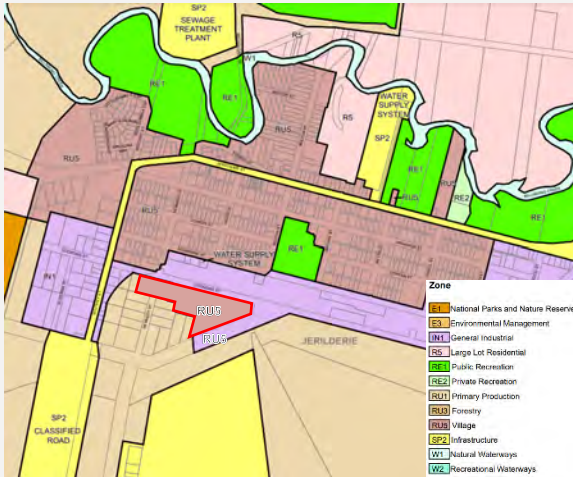
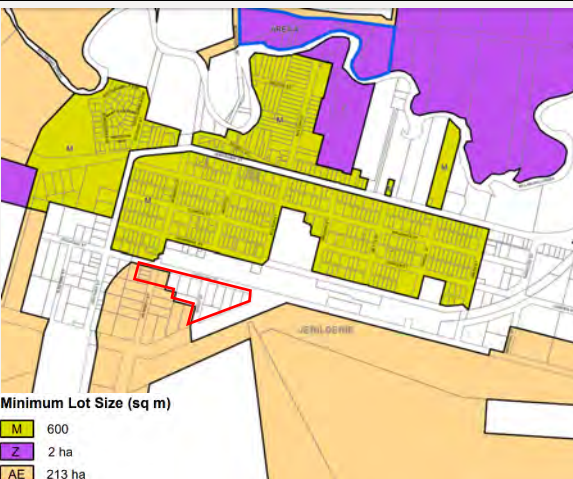
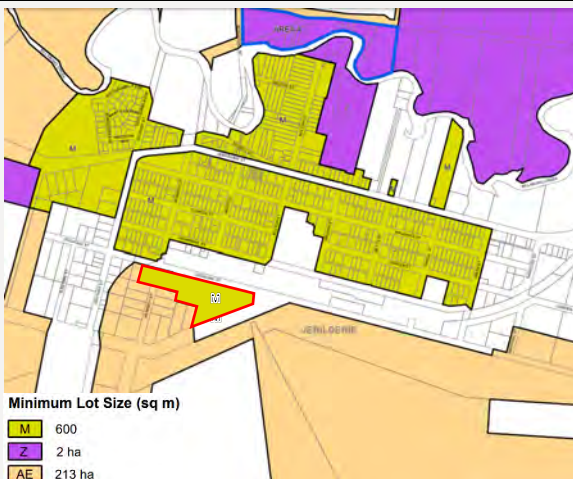
Site 17	Existing	Proposed
LZN	<p>RU1 Primary Production Zone</p>	<p>RU5 Village Zone</p>
LSZ	<p>213ha</p>	<p>600m²</p>
HER		

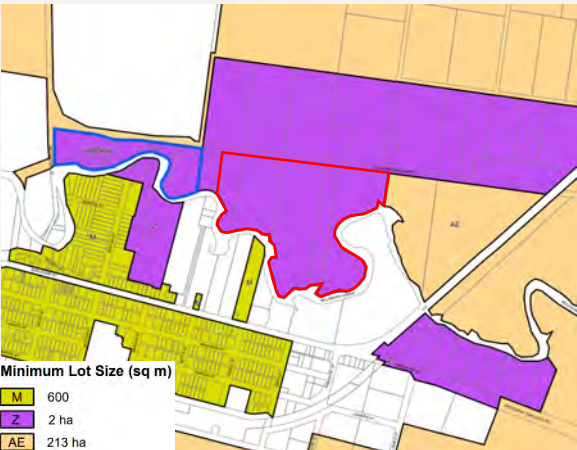
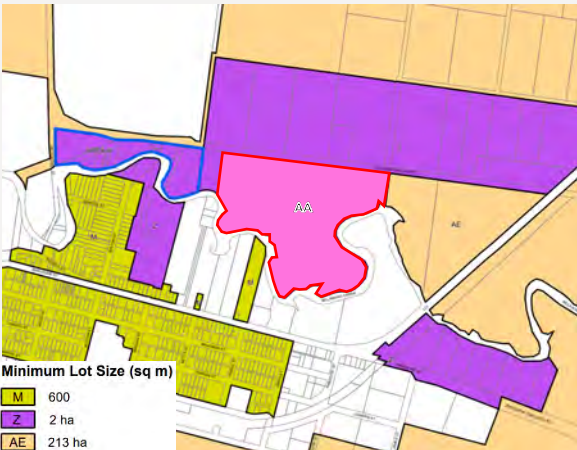
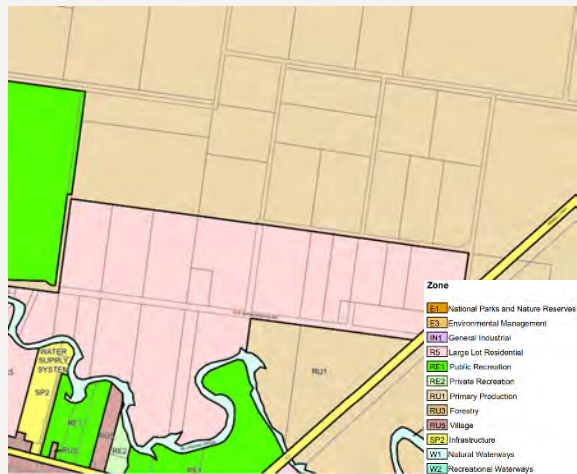
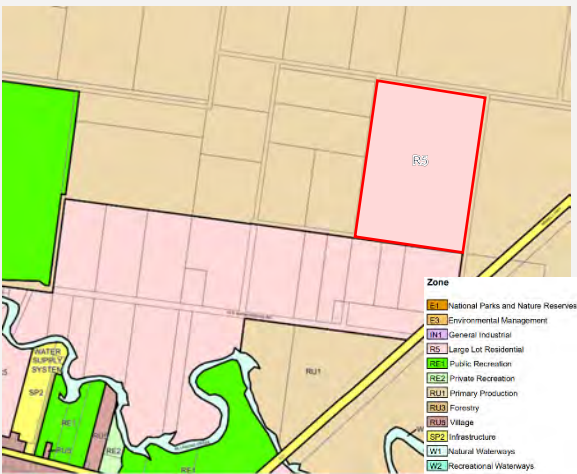
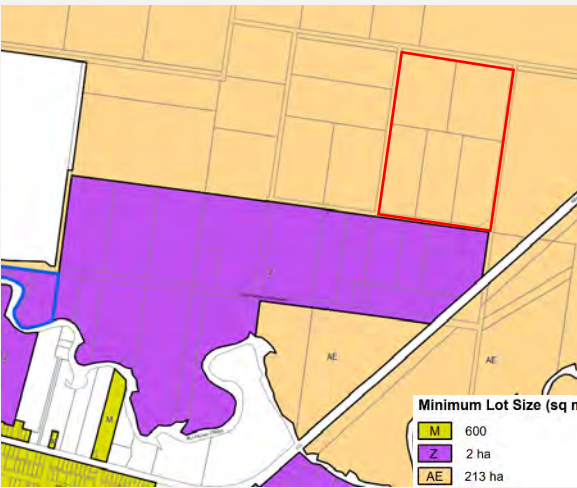
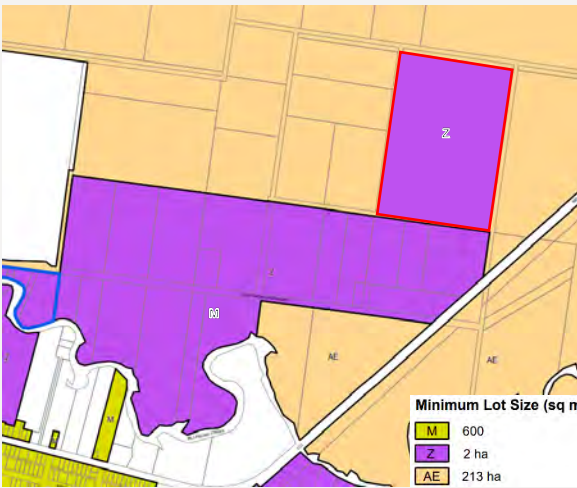
BIO		
Site 18	Existing	Proposed
LZN	<p>Zone</p> <ul style="list-style-type: none"> National Parks and Nature Reserves Environmental Management General Industrial Large Lot Residential Public Recreation Private Recreation Primary Production Forestry Village Infrastructure Natural Waterways Recreational Waterways 	<p>Zone</p> <ul style="list-style-type: none"> National Parks and Nature Reserves Environmental Management General Industrial Large Lot Residential Public Recreation Private Recreation Primary Production Forestry Village Infrastructure Natural Waterways Recreational Waterways
	IN1 General Industrial Zone	RU5 Village Zone
LSZ	<p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>No minimum lot size</p>	<p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>600m²</p>

Site	Existing	Proposed
Site 19		
LZN	<p>R5 Large Lot Residential Zone</p>	<p>RU5 Village Zone</p>
LSZ	<p>2ha</p>	<p>600m²</p>
Site 20		
LZN	<p>RE1 Public Recreation Zone</p>	<p>RU5 Village Zone</p>

LSZ	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>No minimum lot size</p>	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>600m²</p>
Site 21	Existing	Proposed
LZN	 <p>Zone</p> <ul style="list-style-type: none"> RE1 R5 SP2 WASTE MANAGEMENT FACILITY <p>RU1 Primary Production Zone</p>	 <p>Zone</p> <ul style="list-style-type: none"> RE1 R5 SP2 WASTE MANAGEMENT FACILITY <p>E4 General Industrial Zone</p>
LSZ	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>213ha</p>	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>No minimum lot size</p>

Site 22	Existing	Proposed
LZN	 <p>RU1 Primary Production Zone</p>	 <p>RE1 Public Recreation Zone</p>
LSZ	 <p>213ha</p>	 <p>No minimum lot size</p>
Site 23	Existing	Proposed
LZN	 <p>R5 Large Lot Residential & RU5 Villages Zones</p>	 <p>C3 Environmental Management Zone</p>

LSZ	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>2ha & 600m²</p>	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>No minimum lot size</p>
Site 24	Existing	Proposed
LZN	 <p>Zone</p> <ul style="list-style-type: none"> E1 National Parks and Nature Reserves E2 Environmental Management IN1 General Industrial RS Large Lot Residential RE2 Private Recreation RU1 Primary Production RU2 Forestry RU3 Village SP2 Infrastructure W1 Natural Waterways W2 Recreational Waterways <p>RU1 Primary Production & IN1 General Industrial Zones</p>	 <p>Zone</p> <ul style="list-style-type: none"> E1 National Parks and Nature Reserves E2 Environmental Management IN1 General Industrial RS Large Lot Residential RE2 Private Recreation RU1 Primary Production RU2 Forestry RU3 Village SP2 Infrastructure W1 Natural Waterways W2 Recreational Waterways <p>RU5 Village Zone</p>
LSZ	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>No minimum lot size & 213ha</p>	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>600m²</p>

Site	Existing	Proposed
Site 25		
LSZ	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>2ha</p>	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>8ha</p>
Site 26		
LZN	 <p>RU1 Primary Production Zone</p>	 <p>R5 Large Lot Residential Zone</p>
LSZ	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>213ha</p>	 <p>Minimum Lot Size (sq m)</p> <ul style="list-style-type: none"> M 600 Z 2 ha AE 213 ha <p>600m²</p>

6. Community Consultation

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 'complex' proposal, it is expected to be placed on public exhibition for a minimum of 30 days or as otherwise outlined in Council's Community Participation Plan. Council may determine to exhibit the Planning Proposal for a longer period consistent with the notification period requirements for the accompanying Development Application.

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 will be notified in writing, as well as any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

As a minimum, the Planning proposal will be notified to the following parties:

- Affected landowner/s (including those subject to land rezoning and heritage listings).
- National Parks and Wildlife Services
- Biodiversity Conservation Division of the NSW Department of Planning and Environment
- Heritage Branch of the NSW Department of Planning and Environment
- NSW Department of Primary Industries
- Civil Aviation Services Authority
- Transport for NSW
- NSW Rural Fire Service
- Water NSW
- Any other agency determined by the Gateway Determination.

The future consultation process is expected to include:

- written notification to affected landowners.
- 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 via download 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 (including the endorsed Heritage Study)
- 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 will prepare a report to Council.

7. Project Timeline

The project timeline for the Planning Proposal is outlined in **Table 33**.

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 35 – Project Timeline (indicative)

Project Milestone	Anticipated Timeframe	Anticipated Dates
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.	October 2023
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)	4 weeks following Council resolution and request for a Gateway determination	November 2023
Amendments Post Gateway Council to undertake any necessary amendments to the Planning Proposal following receipt of Gateway Determination	6 weeks to make relevant changes to Planning Proposal documentation including any sub consultant reports.	December 2023 – January 2024
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.	Late January 2024 through to early March 2024
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.	2 weeks to collate, consider and respond to submissions received (if any).	March 2024

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.	April 2024
Submission to NSW DPIE/Parliamentary Counsel Forward Planning Proposal to NSW DPE/Parliamentary Counsel (if delegated) for finalisation following public exhibition.	4 weeks	May 2024
Notification Finalisation/gazettal of Planning Proposal	2 weeks	June 2024

8. Conclusion

The Planning Proposal seeks to create a new consolidated comprehensive Local Environmental Plan for the newly amalgamated Murrumbidgee Council Local Government Area (LGA).

Specifically, the Planning Proposal seeks to achieve the following:

- Consolidate and combine the *Murrumbidgee Local Environmental Plan 2013* (MLEP) and *Jerilderie Local Environmental Plan 2012* (JLEP) into a new single comprehensive LEP.
- Implement the land use planning recommendations of the recently endorsed *Murrumbidgee Land Use Plan, 2022*.
- Implement the recommendations of the *Murrumbidgee Council Heritage Review Inventory Report*.
- Correct a number of identified anomalies and errors that exist in both existing LEPs and ensure consistency between the current LEP's.
- To ensure that the new consolidated LEP is consistent with current day planning requirements.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the relevant guidelines prepared by the NSW Department of Planning and Environment. The Planning Proposal sets out the justification for the proposed amendment and considers the environmental, social and economic impacts of the proposal.

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities 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 the Murrumbidgee LGA.
- The proposal is consistent with the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions.
- The proposal is consistent with the recommendations of the Murrumbidgee Land Use Plan and Heritage Review Inventory Report including any associated sub-consultant reports.
- The proposal is not expected to have any negative economic, environmental or social impacts on the local area.

Therefore, the proposed amendment to the LEP is appropriate and well-considered and warrants approval subject to the conditions of a Gateway Determination.

Attachment A:

Murrumbidgee Land Use Plan

(Including SEPP & Section 9.1 Assessment Tables)

Attachment B:

Murrumbidgee Council Heritage Review Inventory Report

Attachment C: Murrumbidgee Aboriginal Cultural Heritage Review

Attachment D: Murrumbidgee Biodiversity Constraints Analysis

Attachment E:

Compliance Table – Riverina Murray Regional Plan 2041

Table 36 – Consistency with Riverina Murray Regional Plan 2041

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Part 1 – Environment		
Objective 1 – Protect, connect and enhance biodiversity throughout the region.	Yes, the Planning Proposal seeks to rezone land or alter provisions either currently mapped or proposed to be mapped biodiversity/conservation.	<p>The Planning Proposal achieves the aims and strategies of this objective as it seeks to rezone land based on the ecological values of that land.</p> <p>Specifically, the Planning Proposal does not seek to rezone land that has high quality ecological value (waterways, native vegetation, flora and fauna habitats) so as to protect the ongoing values of this land.</p> <p>Furthermore, the Planning Proposal seeks to rezone back/zone certain parcels of land across the Murrumbidgee LGA as conservation, as they that have high ecological values.</p> <p>This will ensure the ongoing protection of this land and where required, will act as an offset to proposed development sites.</p> <p>A constraints and opportunities analysis has been undertaken for each candidate site and the previous Land Use Plan and Planning Proposal have been informed by a Biodiversity Constraints Analysis prepared by a qualified ecologist.</p> <p>The Planning Proposal is consistent with the aims and strategies of this objective as it seeks to protect and retain riparian corridors and does not propose development within these areas.</p>
Objective 2 – Manage development impacts within riverine environments	Yes, the Planning Proposal applies to the whole Murrumbidgee LGA, which includes river front land.	

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		<p>Furthermore, the subject Planning Proposal actually seeks to back zone certain lands located adjacent to creeks and waterways to ensure that inappropriate development does not occur within these areas.</p> <p>The Planning Proposal also considers matters regarding flooding and seeks to retain the existing river front clause contained within MLEP.</p> <p>As a separate exercise, Council is also reviewing its Development Control Plan, which amongst other things seeks to adopt riverfront planning controls to ensure that development within proximity to waterways is appropriate.</p>
Objective 3 – Increase natural hazard resilience	Yes, the Planning Proposal applies to the whole Murrumbidgee LGA, which includes areas subject to natural hazards.	<p>The Planning Proposal is consistent with the aims and strategies of this objective as it seeks to avoid areas subject to natural hazards including flooding and bushfire.</p> <p>More specifically, the land use planning decisions sought by the Planning Proposal have been informed via previous flood studies completed for Murrumbidgee as well as bushfire prone land mapping.</p> <p>This will reduce the future impacts of climate change and avoids areas of harm.</p>
Part 2 – Communities and places		
Objective 4 – Support Aboriginal aspirations through land use planning.	Yes, the Planning Proposal applies to the whole Murrumbidgee LGA, which includes areas of cultural sensitivity.	<p>The Planning Proposal is consistent with the aims and strategies of this objective as it seeks to avoid areas of cultural sensitivity.</p> <p>An LGA wide Cultural Heritage Assessment was previously prepared and this has informed the land use zoning recommendations of the Planning Proposal.</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
<p>Objective 5 – Ensure housing supply, diversity, affordability and resilience.</p>	<p>Yes, the Planning Proposal seeks to rezone additional land for residential purposes.</p>	<p>The Planning Proposal is consistent with the aims and strategies of this objective as it seeks to increase housing supply and the diversity of lot sizes and products.</p> <p>Specifically, the Planning Proposal seeks to rezone additional land for residential purposes within the three main townships, being Darlington Point, Coleambally and Jerilderie.</p> <p>Whilst it is acknowledged that there is existing supply within each of these townships, the Planning Proposal seeks to provide additional housing options through a diversity of lot sizes and locations.</p> <p>These areas have all been selected as they are located in close proximity to existing developed urban areas and can be appropriately serviced with infrastructure and utilities.</p> <p>This land has also been selected as it is not subject to natural hazards and constraints and avoids areas of environmental sensitivity.</p>
<p>Objective 6 – Support housing in regional cities and their sub-regions</p>	<p>Yes, the Planning Proposal seeks to rezone additional land for residential purposes and the Murrumbidgee LGA is listed in this objective.</p>	<p>The Planning Proposal is consistent with this objective as it seeks to leverage its strategic location in proximity to the larger regional centre of Griffith as outlined below:</p> <p><i>Carrathool, Leeton, Murrumbidgee and Narrandera councils to respond to potential housing and economic impacts and opportunities from the growth and development of Griffith.</i></p> <p>The provision of additional residential housing, including a diversity of housing and lot size typologies will have a generally positive impact and</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		may result in additional population growth due to the town's close proximity to Griffith.
Objective 7 – Provide for appropriate rural residential development.	Yes, the Planning Proposal seeks to rezone additional land for rural residential purposes.	<p>The Planning Proposal complies with the aims and strategies of this objective as it proposes additional rural residential land within proximity to existing urban areas.</p> <p>These lands are free from environmental constraints and can be serviced with relevant infrastructure and utilities.</p> <p>The proposed rezoning of this land for this purpose will also not restrict/constrain future urban development, nor will it adversely affect existing agricultural activities as previously agreed by DPI Agriculture.</p>
Objective 8 – Provide for short-term accommodation	Yes, the Planning Proposal does not change existing provisions regarding short term accommodation.	The Planning Proposal does not change existing permissibility's with regards to short term accommodation.
Objective 9 – Plan for resilient places that respect local character	Yes, the Planning Proposal applies to the entire Murrumbidgee LGA, which contains listed heritage items.	<p>The Planning Proposal is consistent with the aims and strategies of this objective as it seeks to implement the recommendations of the Murrumbidgee Council Heritage Review Report.</p> <p>Specifically, this will result in the inclusion of a large number of additional items, which will ensure that these buildings and places are protected and retained ongoing.</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		<p>Whilst it is acknowledged that the Planning Proposal seeks to adjust the boundaries of Heritage Item A1, this is to better reflect the actual location of this item consistent with the recommendations of a HIS prepared by a qualified heritage consultant.</p>
Objective 10 – Improve connections between Murray River communities	Not relevant, as the proposal doesn't relate to connections between Murray River Communities	N/A
Objective 11 – Plan for integrated and resilient utility infrastructure	Yes, the Planning Proposal relates to the entire Murrumbidgee LGA.	<p>The Planning Proposal is consistent with the aims and strategies of this objective as it seeks to protect and zone land currently used for public utility infrastructure. It is noted that a number of Council's existing utility services such as sewerage treatment plants, cemeteries and waste management centres are not currently zoned for infrastructure purposes. The subject Planning Proposal seeks to address this by rezoning this land for this purpose.</p> <p>Similarly, the Planning Proposal seeks to rezone additional lands for residential and industrial purposes. The location and size of this land has been determined based on the servicing capacity of each town and either has access to, or can be provided with access to all relevant utilities and infrastructure.</p> <p>It is also noted that Council is preparing an Integrated Water Cycle Management Strategy, which will help identify any capacity issues and infrastructure upgrades associated with this infrastructure.</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Part 3 - Economy		
Objective 12 – Strategically plan for rural industries	Yes, the Planning Proposal relates to rural land and industries	<p>The Planning Proposal is consistent with the aims and strategies of this objective as it seeks to increase additional lands for industrial (employment) purposes, which will service the agricultural needs of the surrounding area. This includes the provision of new industrial zoned land within Darlington Point, which is not currently available.</p> <p>The Planning Proposal also seeks to ensure consistency between the provisions of MLEP and JLEP, which includes amongst other things the adoption of a consistent minimum lot size for the RU1 Primary Production zone (200ha).</p> <p>In addition, the Planning Proposal seeks to avoid the creation of land use conflicts with surrounding rural areas and also seeks to provide flexibility in rural areas via the introduction of a new local clause that allows for the subdivision of land less than the minimum lot size for a use that is permitted in the rural areas.</p>
Objective 13 – Support the transition to net zero by 2050	Not relevant, as the proposal does not relate to energy use.	N/A
Objective 14 – Protecting and promoting industrial and manufacturing land	Yes, the Planning Proposal relates to rural land and industries.	The Planning Proposal is consistent with the aims and strategies of this objective as it proposes additional industrial lands within key strategic locations of both Darlington Point and Jerilderie.

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		<p>As outlined above, Darlington Point does not currently have any industrial zoned land, which is discouraging investment and growth and creating land use conflicts with semi-industrial businesses operating within established residential areas. The provision of dedicated industrial zoned land within Darlington Point and to a lesser degree in Jerilderie will have a significant positive social and economic impact.</p> <p>This land has been chosen as it is accessible to inter-regional networks or in areas that could allow rail transport, unencumbered by natural hazards or environmental constraints while accessible to businesses and communities. The land is also well separated from sensitive land uses, which will avoid the creation of land use conflicts.</p>
Objective 15 – Support the economic vitality of CBDs and main streets	Yes, the Planning Proposal applies to the entire Murrumbidgee LGA.	<p>The Planning Proposal is generally consistent with the aims and strategies of this objective. Whilst it is acknowledged that the subject Planning Proposal does not seek to change any provisions in relation to existing commercial areas, the Planning Proposal does seek to encourage infill development and also proposes new residential and industrial areas, which will support the economic viability of these lands.</p>
Objective 16 – Support the visitor economy	Yes, the Planning Proposal applies to the entire Murrumbidgee LGA.	<p>The Planning Proposal is consistent with the aims and strategies of this objective as it seeks to facilitate and encourage tourist development. Specifically, this includes the adoption/introduction of new local provisions regarding farm stay accommodation and farm gate premises.</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		The recognition and protection of local heritage items and agricultural industries also has the potential to support tourism.
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	Yes, the Planning Proposal applies to the entire Murrumbidgee LGA.	<p>The Planning Proposal is consistent with the aims and strategies of this objective as it appropriately locates new urban development and avoids placing pressures on existing transport corridors.</p> <p>The Planning Proposal seeks to encourage infill housing, as well as rezone land close to existing urban centres, which will encourage alternative forms of transport such as walking and cycling.</p>

Attachment E:

Comparison Assessment – Land Use Tables & Local Provisions

Below is a comparative analysis of the existing LEP controls and the draft recommended LEP controls. Differences in controls are highlighted in red.

Table 37 – Comparative Analysis of RU1 Primary Production Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
Zone RU1 Primary Production 1 Objectives of zone <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. 	Zone RU1 Primary Production 1 Objectives of zone <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones. 	Zone RU1 Primary Production 1 Objectives of zone <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land uses within adjoining zones.
2 Permitted without consent Environmental protection works; Extensive agriculture; Home-based child care ; Home occupations; Roads; Water reticulation systems	2 Permitted without consent Environmental protection works; Extensive agriculture; Home occupations; Intensive plant agriculture ; Roads; Water reticulation systems	2 Permitted without consent Environmental protection works; Extensive agriculture; Home-based child care ; Home occupations; Intensive plant agriculture ; Roads; Water reticulation systems

<p>3 Permitted with consent</p> <p>Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business premises; Community facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Helipads; Home businesses; Home industries; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Rural workers' dwellings; Rural industries; Water recreation structures; Water supply systems</p>	<p>3 Permitted with consent</p> <p>Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellular door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Rural workers' dwellings; Rural industries; Secondary dwellings; Veterinary hospitals; Water recreation structures; Water supply systems</p>	<p>3 Permitted with consent</p> <p>Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellular door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Rural workers' dwellings; Rural industries; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures; Water supply systems</p>
<p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>

Table 38 – Comparative Analysis of RU3 Forestry Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
Zone RU3 Forestry 1 Objectives of zone <ul style="list-style-type: none"> To enable development for forestry purposes. To enable other development that is compatible with forestry land uses. 	Zone RU3 Forestry 1 Objectives of zone <ul style="list-style-type: none"> To enable development for forestry purposes. To enable other development that is compatible with forestry land uses. 	Zone RU3 Forestry 1 Objectives of zone <ul style="list-style-type: none"> To enable development for forestry purposes. To enable other development that is compatible with forestry land uses.
2 Permitted without consent Roads; Uses authorised under the Forestry Act 2012 or under Part 5B (Private native forestry) of the Local Land Services Act 2013	2 Permitted without consent Forestry ; Roads; Uses authorised under the Forestry Act 2012 or under Part 5B (Private native forestry) of the Local Land Services Act 2013	2 Permitted without consent Forestry ; Roads; Uses authorised under the Forestry Act 2012 or under Part 5B (Private native forestry) of the Local Land Services Act 2013
3 Permitted with consent Aquaculture	3 Permitted with consent Aquaculture Flood mitigation works	3 Permitted with consent Aquaculture Flood mitigation works
4 Prohibited Any development not specified in item 2 or 3	4 Prohibited Any development not specified in item 2 or 3	4 Prohibited Any development not specified in item 2 or 3

Table 39 – Comparative Analysis of RU5 Village Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
Zone RU5 Village 1 Objectives of zone <ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. 	Zone RU5 Village 1 Objectives of zone <ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. To ensure that development in village areas is compatible with the environmental capability of the land. To retain and facilitate the expansion and redevelopment of the existing central business districts of Darlington Point and Coleambally and to further strengthen the core retail functions of these areas. 	Zone RU5 Village 1 Objectives of zone <ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. To ensure that development in village areas is compatible with the environmental capability of the land. To retain and facilitate the expansion and redevelopment of the existing central business districts of Darlington Point, Coleambally and Jerilderie and to further strengthen the core retail functions of these areas.
2 Permitted without consent Environmental protection works; Home-based child care ; Home occupations; Roads; Water reticulation systems	2 Permitted without consent Environmental protection works; Home occupations; Roads; Water reticulation systems	2 Permitted without consent Environmental protection works; Home-based child care ; Home occupations; Roads; Water reticulation systems
3 Permitted with consent Centre-based child care facilities; Community facilities; Dwelling houses; Liquid fuel depots ; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Any other development not specified in item 2 or 4	3 Permitted with consent Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4	3 Permitted with consent (to be finalised) Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4
4 Prohibited Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching	4 Prohibited Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Cellar door	4 Prohibited (to be finalised) Agriculture; Air transport facilities; Airstrips; <u>Animal boarding or training establishments</u> ; Cellar door

<p>ramps; Boat sheds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Electricity generating works; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Jetties; Marinas; Mooring pens; Moorings; Rural industries; Rural workers' dwellings; Sex services premises; Waste or resource management facilities; Wharf or boating facilities</p>	<p>premises; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Mooring pens; Moorings; Open cut mining; Rural industries; Rural workers' dwellings; Waste disposal facilities; Wharf or boating facilities</p>	<p>premises; Cemeteries; Electricity generating works; Farm buildings; Farm stay accommodation; Forestry; General industries; Heavy industrial storage establishments; Heavy industries; Rural industries; Rural workers' dwellings; underground mining; Waste or resource management facilities</p>
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Table 40 – Comparative Analysis of R5 Large Lot Residential Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
Zone R5 Large Lot Residential 1 Objectives of zone <ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. To minimise conflict between land uses within this zone and land uses within adjoining zones. 	Zone R5 Large Lot Residential 1 Objectives of zone <ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. To minimise conflict between land uses within this zone and land uses within adjoining zones. 	Zone R5 Large Lot Residential 1 Objectives of zone <ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. To minimise conflict between land uses within this zone and land uses within adjoining zones.
2 Permitted without consent Environmental protection works; Extensive agriculture; Home occupations; Roads; Water reticulation systems	2 Permitted without consent Environmental protection works; Extensive agriculture; Home occupations; Roads; Water reticulation systems	2 Permitted without consent Environmental protection works; Extensive agriculture; Home occupations; Roads; Water reticulation systems
3 Permitted with consent Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Roadside stalls; Tank-based aquaculture	3 Permitted with consent Bed and breakfast accommodation; Building identification signs; Business identification signs; Dwelling houses; Home industries; Oyster aquaculture; Pond-based aquaculture; Roadside stalls; Tank-based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4	3 Permitted with consent Bed and breakfast accommodation; Building identification signs; Business identification signs; Dwelling houses; Home industries; Oyster aquaculture; Pond-based aquaculture; Roadside stalls; Tank-based aquaculture; Any other development not specified in item 2 or 4

<p>4 Prohibited</p> <p>Dairies (pasture-based); Any other development not specified in item 2 or 3</p>	<p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Biosolids treatment facilities; Bee keeping; Boarding houses; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Electricity generating works; Entertainment facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Hostels; Highway service centres; Hostels; Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Research facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies</p>	<p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Bee keeping; Boarding houses; Boat building and repair facilities; Car parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Electricity generating works; Entertainment facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Hostels; Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities; Wholesale supplies</p>
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Table 41 – Comparative Analysis of E4 General Industrial Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>Zone E4 General Industrial</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses. 	<p>Zone E4 General Industrial</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses. To encourage the establishment of new industry on land that can be serviced. To enable other land uses that provide facilities or services to meet the day-to-day needs of workers in the zone and its vicinity. 	<p>Zone E4 General Industrial</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide a range of industrial, warehouse, logistics and related land uses. To ensure the efficient and viable use of land for industrial uses. To minimise any adverse effect of industry on other land uses. To encourage employment opportunities. To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
<p>2 Permitted without consent</p> <p>Environmental protection works; Roads; Water reticulation systems</p>	<p>2 Permitted without consent</p> <p>Environmental protection works; Roads; Water reticulation systems</p>	<p>2 Permitted without consent</p> <p>Environmental protection works; Roads; Water reticulation systems</p>
<p>3 Permitted with consent</p> <p>Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises;</p>	<p>3 Permitted with consent</p> <p>Depots; Food and drink premises; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Heliports; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Rural supplies; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises;</p>	<p>3 Permitted with consent</p> <p>Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Local distribution premises; Neighbourhood shops; Oyster aquaculture; Places of public worship; Rural supplies; Take away food and drink premises; Tank-based aquaculture; Timber yards;</p>

Warehouse or distribution centres; Any other development not specified in item 2 or 4	distribution centres; Any other development not specified in item 2 or 4	Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4
<p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Pond-based aquaculture; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities</p>	<p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Commercial premises; Community facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Public administration buildings; Pubs; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Wharf or boating facilities</p>	<p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Pond-based aquaculture; Public administration buildings; Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities</p>

Table 42 – Comparative Analysis of SP2 Infrastructure Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
Zone SP2 Infrastructure 1 Objectives of zone <ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	Zone SP2 Infrastructure 1 Objectives of zone <ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	Zone SP2 Infrastructure 1 Objectives of zone <ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure.
2 Permitted without consent Roads	2 Permitted without consent Roads	2 Permitted without consent Roads
3 Permitted with consent Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose	3 Permitted with consent Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose	3 Permitted with consent Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose
4 Prohibited Any other development not specified in item 2 or 3	4 Prohibited Any development not specified in item 2 or 3	4 Prohibited Any other development not specified in item 2 or 3

Table 43 – Comparative Analysis of RE1 Public Recreation Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>Zone RE1 Public Recreation</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. 	<p>Zone RE1 Public Recreation</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. 	<p>Zone RE1 Public Recreation</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes.
<p>2 Permitted without consent</p> <p>Environmental protection works; Roads; Water reticulation systems</p>	<p>2 Permitted without consent</p> <p>Environmental protection works; Roads; Water reticulation systems</p>	<p>2 Permitted without consent</p> <p>Environmental protection works; Roads; Water reticulation systems</p>
<p>3 Permitted with consent</p> <p>Aquaculture; Boat launching ramps; Building identification signs; Business identification signs; Community facilities; Emergency services facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor)</p>	<p>3 Permitted with consent</p> <p>Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Water recreation structures; Water recycling facilities</p>	<p>3 Permitted with consent</p> <p>Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Water recreation structures; Water recycling facilities</p>
<p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>	<p>4 Prohibited</p> <p>Any development not specified in item 2 or 3</p>

Table 44 – Comparative Analysis of RE2 Private Recreation Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
Zone RE2 Private Recreation 1 Objectives of zone <ul style="list-style-type: none"> To enable land to be used for private open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. 	Zone RE2 Private Recreation 1 Objectives of zone <ul style="list-style-type: none"> To enable land to be used for private open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes. 	Zone RE2 Private Recreation 1 Objectives of zone <ul style="list-style-type: none"> To enable land to be used for private open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes.
2 Permitted without consent Environmental protection works; Roads; Water reticulation systems	2 Permitted without consent Environmental protection works; Roads; Water reticulation systems	2 Permitted without consent Environmental protection works; Roads; Water reticulation systems
3 Permitted with consent Amusement centres; Aquaculture; Community facilities; Eco-tourist facilities; Entertainment facilities; Function centres; Food and drink premises; Environmental facilities; Recreation facilities (indoor); Kiosks; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Signage; Tourist and visitor accommodation	3 Permitted with consent Amusement centres; Aquaculture; Camping grounds ; Caravan parks ; Centre-based child care facilities ; Community facilities; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Flood mitigation works ; Food and drink premises; Function centres; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres ; Seniors housing ; Signage; Tourist and visitor accommodation; Water recreation structures ; Water recycling facilities ; Water supply systems	3 Permitted with consent Amusement centres; Aquaculture; Camping grounds ; Caravan parks ; Centre-based child care facilities ; Community facilities; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Flood mitigation works ; Food and drink premises; Function centres; Information and education facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres ; Seniors housing ; Signage; Tourist and visitor accommodation; Water recreation structures ; Water recycling facilities ; Water supply systems
4 Prohibited Farm stay accommodation; Any other development not specified in item 2 or 3	4 Prohibited Farm stay accommodation; Any other development not specified in item 2 or 3	4 Prohibited Farm stay accommodation; Any other development not specified in item 2 or 3

Table 45 – Comparative Analysis of C1 National Parks and Nature Reserves Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
Zone C1 National Parks and Nature Reserves 1 Objectives of zone <ul style="list-style-type: none"> To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act. To enable uses authorised under the National Parks and Wildlife Act 1974. To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land. 	Zone C1 National Parks and Nature Reserves 1 Objectives of zone <ul style="list-style-type: none"> To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act. To enable uses authorised under the National Parks and Wildlife Act 1974. To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land. 	Zone C1 National Parks and Nature Reserves 1 Objectives of zone <ul style="list-style-type: none"> To enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act. To enable uses authorised under the National Parks and Wildlife Act 1974. To identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land.
2 Permitted without consent Uses authorised under the National Parks and Wildlife Act 1974	2 Permitted without consent Uses authorised under the National Parks and Wildlife Act 1974	2 Permitted without consent Uses authorised under the National Parks and Wildlife Act 1974
3 Permitted with consent Nil	3 Permitted with consent Nil	3 Permitted with consent Nil
4 Prohibited Any development not specified in item 2 or 3	4 Prohibited Any development not specified in item 2 or 3	4 Prohibited Any development not specified in item 2 or 3

Table 46 – Comparative Analysis of C3 Environmental Management Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
N/A	<p>Zone C3 Environmental Management</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values. To ensure development is compatible with the flood hazard and riparian corridor of the Murrumbidgee River. 	<p>Zone C3 Environmental Management</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. To provide for a limited range of development that does not have an adverse effect on those values. To ensure development is compatible with the flood hazard and riparian corridor of the Murrumbidgee River.
N/A	<p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations; Water reticulation systems</p>	<p>2 Permitted without consent</p> <p>Extensive agriculture; Home occupations; Water reticulation systems</p>
N/A	<p>3 Permitted with consent</p> <p>Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home-based child care; Home businesses; Home industries; Jetties; Oyster aquaculture; Pond-based aquaculture; Roads; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems</p>	<p>3 Permitted with consent</p> <p>Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Jetties; Oyster aquaculture; Pond-based aquaculture; Roads; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems</p>
N/A	<p>4 Prohibited</p> <p>Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises;</p>	<p>4 Prohibited</p> <p>Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises;</p>

	Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3	Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3
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Table 47 – Comparative Analysis of W1 Natural Waterways Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
Zone W1 Natural Waterways 1 Objectives of zone <ul style="list-style-type: none"> To protect the ecological and scenic values of natural waterways. To prevent development that would have an adverse effect on the natural values of waterways in this zone. To provide for sustainable fishing industries and recreational fishing. 	Zone W1 Natural Waterways 1 Objectives of zone <ul style="list-style-type: none"> To protect the ecological and scenic values of natural waterways. To prevent development that would have an adverse effect on the natural values of waterways in this zone. To provide for sustainable fishing industries and recreational fishing. 	Zone W1 Natural Waterways 1 Objectives of zone <ul style="list-style-type: none"> To protect the ecological and scenic values of natural waterways. To prevent development that would have an adverse effect on the natural values of waterways in this zone. To provide for sustainable fishing industries and recreational fishing.
2 Permitted without consent Nil	2 Permitted without consent Nil	2 Permitted without consent Nil
3 Permitted with consent Aquaculture Boat launching ramps; Boat sheds; Environmental facilities; Environmental protection works; Jetties; Roads; Water recycling facilities; Water supply systems	3 Permitted with consent Aquaculture Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Emergency services facilities ; Environmental facilities; Environmental protection works; Flood mitigation works ; Jetties; Mooring pens; Moorings; Recreation areas; Research stations ; Roads; Water recreation structures ; Water recycling facilities; Water supply systems; Wharf or boating facilities	3 Permitted with consent Aquaculture Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Emergency services facilities ; Environmental facilities; Environmental protection works; Flood mitigation works ; Jetties; Mooring pens; Moorings; Recreation areas; Research stations ; Roads; Water recreation structures ; Water recycling facilities; Water supply systems; Wharf or boating facilities
4 Prohibited Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3	4 Prohibited Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3	4 Prohibited Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Table 48 – Comparative Analysis of W2 Recreational Waterways Zone

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
N/A	<p>Zone W2 Recreational Waterways</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To protect the ecological, scenic and recreation values of recreational waterways. To allow for water-based recreation and related uses. To provide for sustainable fishing industries and recreational fishing. 	<p>Zone W2 Recreational Waterways</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To protect the ecological, scenic and recreation values of recreational waterways. To allow for water-based recreation and related uses. To provide for sustainable fishing industries and recreational fishing.
N/A	<p>2 Permitted without consent</p> <p>Nil</p>	<p>2 Permitted without consent</p> <p>Nil</p>
N/A	<p>3 Permitted with consent</p> <p>Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (outdoor); Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities</p>	<p>3 Permitted with consent</p> <p>Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Marinas; Mooring pens; Moorings; Recreation areas; Recreation facilities (outdoor); Roads; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities</p>
N/A	<p>4 Prohibited</p> <p>Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3</p>	<p>4 Prohibited</p> <p>Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; Any other development not specified in item 2 or 3</p>

Table 49 – Comparative Analysis of Clause 4.1 Minimum subdivision lot size

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>Clause 4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain and protect the productive capacity of rural lands,</p> <p>(b) to ensure urban lots are of a shape and size to accommodate future development,</p> <p>(c) to encourage a diversity of lot sizes, housing forms and densities in residential zones,</p> <p>(d) to facilitate the sustainable and economic servicing of future subdivision.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 2021.</p> <p>(4A) Despite subclause (3), the consent authority may grant development consent to the subdivision of the land identified as “Area A” on the Lot Size Map if—</p>	<p>Clause 4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that land use and development is undertaken on appropriately sized parcels of land,</p> <p>(b) to ensure that lot sizes have a practical and efficient layout to meet their intended use,</p> <p>(c) to maintain viable farm sizes to promote continuing agricultural production,</p> <p>(d) to recognise the role that the Coleambally Irrigation Area plays in promoting intensive plant agriculture,</p> <p>(e) to prevent the fragmentation of rural land.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 2021.</p> <p>(4A) Despite subclause (3), land in Zone R5 Large Lot Residential may be subdivided to create lots of not</p>	<p>Clause 4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure lots are of a shape and size to accommodate future development,</p> <p>(b) to encourage a diversity of lot sizes, housing forms and densities in residential zones,</p> <p>(c) to maintain and protect the productive capacity of rural lands by preventing the fragmentation of rural land.</p> <p>(d) to recognise the role that the Coleambally Irrigation Area plays in promoting intensive plant agriculture,</p> <p>(e) to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p>

<p>(a) the area of each resulting lot will not be less than 5,000 square metres, and</p> <p>(b) the consent authority is satisfied that each resulting lot will have access to a reticulated sewer.</p>	<p>less than 5,000 square metres if each lot will be serviced by a sewage reticulated system and water reticulation system.</p>	<p>(b) by any kind of subdivision under the Community Land Development Act 2021.</p>
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Table 50 – Comparative Analysis of Clause 4.1AA Minimum subdivision lot size for community title schemes

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>Clause 4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 2021 of land in any of the following zones—</p> <p>(a) Zone RU1 Primary Production, but does not apply to a subdivision by the registration of a strata plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 2021) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p>	<p>Clause 4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 2021 of land in any of the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone R5 Large Lot Residential,</p> <p>(c) Zone E3 Environmental Management,</p> <p>but does not apply to a subdivision by the registration of a strata plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 2021) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p>	<p>Clause 4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 2021 of land in any of the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone R5 Large Lot Residential,</p> <p>(c) Zone C3 Environmental Management,</p> <p>but does not apply to a subdivision by the registration of a strata plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 2021) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p>

Table 51 – Comparative Analysis of Clause 4.2 Rural Subdivision

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>Clause 4.2 Rural Subdivision</p> <p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>Note— When this Plan was made it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>(5) A dwelling cannot be erected on such a lot.</p> <p>Note— A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).</p>	<p>Clause 4.2 Rural Subdivision</p> <p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>Note— When this Plan was made it did not include all of these zones.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>(5) A dwelling cannot be erected on such a lot.</p> <p>Note— A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).</p>	<p>Clause 4.2 Rural Subdivision</p> <p>(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>Note— When this Plan was made it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>(5) A dwelling cannot be erected on such a lot.</p> <p>Note— A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).</p>

Table 52 – Comparative Analysis of Clause 4.2A Rural Subdivision for Intensive Plant Agriculture

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
N/A	<p>Clause 4.2A Rural Subdivision for intensive plant agriculture</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to enable flexibility in the application of lot size standards for subdivision for the purpose of intensive plant agriculture that is intended to include an associated dwelling,</p> <p>(b) to apply controls on subdivision to avoid land being used for non-sustainable intensive plant agriculture.</p> <p>(2) This clause applies to the land identified as “Coleambally Irrigation Area” on the Coleambally Irrigation Area Map.</p> <p>(3) Land to which this clause applies may, with development consent, be subdivided for the purpose of intensive plant agriculture to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, development consent must not be granted to such a subdivision if an existing dwelling house would, as a result of the subdivision, be situated on a lot created by the subdivision unless the consent authority is satisfied that—</p> <p>(a) the lot has an area of at least 40 hectares, and</p> <p>(b) the land is being used for the purpose of intensive plant agriculture, or will be used for that purpose before the subdivision is registered, and</p>	<p>Clause 4.2A Rural Subdivision for intensive plant agriculture</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to enable flexibility in the application of lot size standards for subdivision for the purpose of intensive plant agriculture that is intended to include an associated dwelling,</p> <p>(b) to apply controls on subdivision to avoid land being used for non-sustainable intensive plant agriculture.</p> <p>(2) This clause applies to the land identified as “Coleambally Irrigation Area” on the Coleambally Irrigation Area Map.</p> <p>(3) Land to which this clause applies may, with development consent, be subdivided for the purpose of intensive plant agriculture to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, development consent must not be granted to such a subdivision if an existing dwelling house would, as a result of the subdivision, be situated on a lot created by the subdivision unless the consent authority is satisfied that—</p> <p>(a) the lot has an area of at least 40 hectares, and</p> <p>(b) the land is being used for the purpose of intensive plant agriculture, or will be used for that purpose before the subdivision is registered, and</p>

	<p>(c) the dwelling house is required to support the carrying out of such a purpose, and</p> <p>(d) the quality and area of the land is suitable for the proposed or existing intensive plant agriculture, and</p> <p>(e) the land is, or will be, subject to irrigation requiring a water licence and the volume of, and entitlement to, water available under that licence is, or will be, adequate for the proposed use of the land, and</p> <p>(f) services for the supply of electricity and other infrastructure to support the use of the land are available or adequate arrangements have been made to make them available when required.</p> <p>Note— The State Environmental Planning Policy (Rural Lands) 2008 and Assessing Intensive Plant Agriculture Developments (published by the Department of Primary Industries) set out other relevant issues for the consideration of consent authorities when assessing development applications for intensive plant agriculture.</p>	<p>(c) the dwelling house is required to support the carrying out of such a purpose, and</p> <p>(d) the quality and area of the land is suitable for the proposed or existing intensive plant agriculture, and</p> <p>(e) the land is, or will be, subject to irrigation requiring a water licence and the volume of, and entitlement to, water available under that licence is, or will be, adequate for the proposed use of the land, and</p> <p>(f) services for the supply of electricity and other infrastructure to support the use of the land are available or adequate arrangements have been made to make them available when required.</p> <p>Note— The State Environmental Planning Policy (Rural Lands) 2008 and Assessing Intensive Plant Agriculture Developments (published by the Department of Primary Industries) set out other relevant issues for the consideration of consent authorities when assessing development applications for intensive plant agriculture.</p>
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Table 53 – Comparative Analysis of Clause 4.2B Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>4.2A Minimum subdivision lot size for strata plan schemes in certain rural zones</p> <p>(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note—</p> <p>Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.</p>	<p>4.2B Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones</p> <p>(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone R5 Large Lot Residential,</p> <p>(c) Zone E3 Environmental Management.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note—</p> <p>Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.</p>	<p>4.2B Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones</p> <p>(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone R5 Large Lot Residential,</p> <p>(c) Zone E3 Environmental Management.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note—</p> <p>Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.</p>

Table 54 – Comparative Analysis of Clause 4.2B and 4.2C Erection of dwelling houses or dual occupancies on land in Zone RU1 Primary Production

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>4.2B Erection of dwelling houses or dual occupancies on land in Zone RU1 Primary Production</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dwelling houses in rural zones.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production.</p> <p>(3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house has been erected, unless the land is—</p> <p>(a) a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or</p> <p>(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.</p>	<p>4.2C Erection of dwelling houses on land in certain rural, residential and conservation zones</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dwelling houses in rural, residential and conservation zones.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone R5 Large Lot Residential,</p> <p>(c) Zone C3 Environmental Management.</p> <p>(3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land—</p> <p>(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) is a lot created under this Plan (other than under clause 4.2 (3)), or</p> <p>(c) is a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or</p> <p>(d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would</p>	<p>4.2B Erection of dwelling houses or dual occupancies on land in certain rural and conservation zones</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise unplanned rural residential development,</p> <p>(b) to enable the replacement of lawfully erected dwelling houses in rural zones.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone C3 Environmental Management.</p> <p>(3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house has been erected, unless the land is—</p> <p>(a) a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or</p> <p>(b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or</p> <p>(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision</p>

<p>Note— A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.</p> <p>(4) Despite subclause (3), development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if—</p> <p>(a) there is a lawfully erected dwelling house or a dual occupancy on the land and the dwelling house or a dual occupancy to be erected is intended only to replace the existing dwelling house or a dual occupancy, or</p> <p>(b) the land would have been a lot referred to in subclause (3) had it not been affected by—</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose.</p>	<p>have been permissible if the plan of subdivision had been registered before that commencement, or</p> <p>(e) is an existing holding, or</p> <p>(f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by—</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or</p> <p>(iii) a consolidation with an adjoining public road or public reserve or for another public purpose.</p> <p>Note— A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.</p> <p>(4) Development consent must not be granted under subclause (3) unless—</p> <p>(a) no dwelling house has been erected on the land, and</p> <p>(b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and</p> <p>(c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.</p> <p>(5) Development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling</p>	<p>had been registered before that commencement.</p> <p>Note— A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.</p> <p>(4) Despite subclause (3), development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if—</p> <p>(a) there is a lawfully erected dwelling house or a dual occupancy on the land and the dwelling house or a dual occupancy to be erected is intended only to replace the existing dwelling house or a dual occupancy, or</p> <p>(b) the land would have been a lot referred to in subclause (3) had it not been affected by—</p> <p>(i) a minor realignment of its boundaries that did not create an additional lot, or</p> <p>(ii) a subdivision creating or widening a public road or public reserve or for another public purpose.</p>
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	<p>house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.</p> <p>(6) Land ceases to be an existing holding for the purposes of subclause (3) (e) if an application for development consent referred to in that subclause is not made in relation to that land within 12 months after the commencement of this Plan.</p> <p>(7) In this clause— existing holding means land that—</p> <p>(a) was a holding on 7 September 1979, and</p> <p>(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since 7 September 1979, and includes any other land adjoining that land acquired by the owner since 7 September 1979. holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.</p> <p>Note—</p> <p>The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.</p>	
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Table 55 – Comparative Analysis of Clause 4.2D Erection of rural workers' dwellings on land in Zone RU1 **Primary Production**

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>4.2C Erection of rural workers' dwellings on land in Zone RU1 Primary Production</p> <p>(1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production.</p> <p>(3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—</p> <p>(a) the development will be on the same lot as an existing lawfully erected dwelling house, and</p> <p>(b) the development will not impair the use of the land for agricultural or rural industries, and</p> <p>(c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and</p> <p>(d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.</p>	<p>4.2D Erection of rural workers' dwellings on land in Zone RU1</p> <p>(1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production.</p> <p>(3) Development consent must not be granted to the erection of a rural workers' dwelling on land to which this clause applies, unless the consent authority is satisfied that—</p> <p>(a) the development will be on the same lot as an existing lawfully erected dwelling house, and</p> <p>(b) the development will not impair the use of the land for agriculture or rural industries, and</p> <p>(c) the agriculture or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and</p> <p>(d) the development is necessary considering the nature of the agriculture or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.</p>	<p>4.2C Erection of rural workers' dwellings on land in Zone RU1 Primary Production</p> <p>(1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.</p> <p>(2) This clause applies to land in Zone RU1 Primary Production.</p> <p>(3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies, unless the consent authority is satisfied that—</p> <p>(a) the development will be on the same lot as an existing lawfully erected dwelling house, and</p> <p>(b) the development will not impair the use of the land for agricultural or rural industries, and</p> <p>(c) the agricultural or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and</p> <p>(d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.</p>

Table 56 – Comparative Analysis of Clause 6.1 Earthworks

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>6.1 Earthworks</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without requiring separate development consent.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p>	<p>6.1 Earthworks</p> <p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p>	<p>6.1 Earthworks</p> <p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p>

<p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Note— The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.</p>	<p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Note— The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.</p>	<p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Note— The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.</p>
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Table 57 – Comparative Analysis of Clause 6.3 Stormwater management

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>6.3 Stormwater management</p> <p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p> <p>(2) This clause applies to land in a residential zone or in Zone E4 General Industrial.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>N/A</p>	<p>6.2 Stormwater management</p> <p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p> <p>(2) This clause applies to land in a residential zone or in Zone E4 General Industrial.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>

Table 58 – Comparative Analysis of Clause 6.4 Terrestrial biodiversity

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>6.4 Terrestrial biodiversity</p> <p>(1) The objective of this clause is to maintain terrestrial biodiversity by—</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p>(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p>	<p>6.3 Terrestrial biodiversity</p> <p>(1) The objective of this clause is to maintain terrestrial biodiversity by—</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p>(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p>	<p>6.3 Terrestrial biodiversity</p> <p>(1) The objective of this clause is to maintain terrestrial biodiversity by—</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p>(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p>

<p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>
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Table 59 – Comparative Analysis of Clause 6.5 Groundwater vulnerability

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>6.5 Groundwater vulnerability</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the hydrological functions of key groundwater systems,</p> <p>(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</p> <p>(2) This clause applies to land identified as “Vulnerable” on the Groundwater Vulnerability Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</p> <p>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</p> <p>(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</p> <p>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p>	<p>6.4 Groundwater vulnerability</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the hydrological functions of key groundwater systems,</p> <p>(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</p> <p>(2) This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</p> <p>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</p> <p>(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</p> <p>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p>	<p>6.4 Groundwater vulnerability</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to maintain the hydrological functions of key groundwater systems,</p> <p>(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.</p> <p>(2) This clause applies to land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),</p> <p>(b) any adverse impacts the development may have on groundwater dependent ecosystems,</p> <p>(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),</p> <p>(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p>

<p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>
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Table 60 – Comparative Analysis of Clause 6.6 Riparian land and watercourses

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>6.6 Riparian land and watercourses</p> <p>(1) The objective of this clause is to protect and maintain the following—</p> <ul style="list-style-type: none"> (a) water quality within watercourses, (b) the stability of the bed and banks of watercourses, (c) aquatic and riparian habitats, (d) ecological processes within watercourses and riparian areas. <p>(2) This clause applies to all of the following—</p> <ul style="list-style-type: none"> (a) land identified as “Watercourse” on the Watercourse Map, (b) all land that is within 40 metres of the top of the bank of land identified as “Watercourse” on that map. <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> (a) whether or not the development is likely to have any adverse impact on the following— <ul style="list-style-type: none"> (i) the water quality and flows within the watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, 	<p>6.5 Riparian land and watercourses</p> <p>(1) The objective of this clause is to protect and maintain the following—</p> <ul style="list-style-type: none"> (a) water quality within watercourses, (b) the stability of the bed and banks of watercourses, (c) aquatic and riparian habitats, (d) ecological processes within watercourses and riparian areas. <p>(2) This clause applies to all of the following—</p> <ul style="list-style-type: none"> (a) identified as “Riparian Land and Watercourse” on the Riparian Lands and Watercourses Map, (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Riparian Land and Watercourse” on that map. <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> (a) whether or not the development is likely to have any adverse impact on the following— <ul style="list-style-type: none"> (i) the water quality and flows within the watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse, 	<p>6.5 Riparian land and watercourses</p> <p>(1) The objective of this clause is to protect and maintain the following—</p> <ul style="list-style-type: none"> (a) water quality within watercourses, (b) the stability of the bed and banks of watercourses, (c) aquatic and riparian habitats, (d) ecological processes within watercourses and riparian areas. <p>(2) This clause applies to all of the following—</p> <ul style="list-style-type: none"> (a) identified as “Riparian Land and Watercourse” on the Riparian Lands and Watercourses Map, (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Riparian Land and Watercourse” on that map. <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> (a) whether or not the development is likely to have any adverse impact on the following— <ul style="list-style-type: none"> (i) the water quality and flows within the watercourse, (ii) aquatic and riparian species, habitats and ecosystems of the watercourse, (iii) the stability of the bed and banks of the watercourse,

<p>(iv) the free passage of fish and other aquatic organisms within or along the watercourse, and</p> <p>(v) any future rehabilitation of the watercourse and riparian areas, and</p> <p>(b) whether or not the development is likely to increase water extraction from the watercourse, and</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(iv) the free passage of fish and other aquatic organisms within or along the watercourse, and</p> <p>(v) any future rehabilitation of the watercourse and riparian areas, and</p> <p>(b) whether or not the development is likely to increase water extraction from the watercourse, and</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(iv) the free passage of fish and other aquatic organisms within or along the watercourse, and</p> <p>(v) any future rehabilitation of the watercourse and riparian areas, and</p> <p>(b) whether or not the development is likely to increase water extraction from the watercourse, and</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>
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Table 61 – Comparative Analysis of Clause 6.7 Wetlands

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>6.7 Wetlands</p> <p>(1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.</p> <p>(2) This clause applies to land identified as “Wetland” on the Wetlands Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether or not the development is likely to have any significant adverse impact on the following—</p> <p>(i) the condition and significance of the existing native fauna and flora on the land,</p> <p>(ii) the provision and quality of habitats on the land for indigenous and migratory species,</p> <p>(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p>	<p>6.6 Wetlands</p> <p>(1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.</p> <p>(2) This clause applies to land identified as “Wetland” on the Wetlands Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether or not the development is likely to have any significant adverse impact on the following—</p> <p>(i) the condition and significance of the existing native fauna and flora on the land,</p> <p>(ii) the provision and quality of habitats on the land for indigenous and migratory species,</p> <p>(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p>	<p>6.6 Wetlands</p> <p>(1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.</p> <p>(2) This clause applies to land identified as “Wetland” on the Wetlands Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether or not the development is likely to have any significant adverse impact on the following—</p> <p>(i) the condition and significance of the existing native fauna and flora on the land,</p> <p>(ii) the provision and quality of habitats on the land for indigenous and migratory species,</p> <p>(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p>

<p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>
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Table 62 – Comparative Analysis of Clause 6.7 Development on river front areas

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
N/A	<p>6.7 Development on river front areas</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to support the natural migration of the river channel, including riverine processes, (b) to protect and improve the bed and bank stability of rivers, (c) to maintain or improve the water quality of rivers, (d) to protect the amenity, scenic landscape values and cultural heritage of rivers, (e) to protect public access to riverine corridors, (f) to conserve and protect riverine corridors, including wildlife habitat. <p>(2) Despite any other provision of this Plan, development consent may be granted to development on land in a river front area only for the following purposes—</p> <ul style="list-style-type: none"> (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas, (b) the extension or alteration of an existing building that is wholly or partly in the river front area if the extension or alteration will be located no closer to the river bank than the existing building, (c) environmental protection works, 	<p>6.7 Development on river front areas</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to support the natural migration of the river channel, including riverine processes, (b) to protect and improve the bed and bank stability of rivers, (c) to maintain or improve the water quality of rivers, (d) to protect the amenity, scenic landscape values and cultural heritage of rivers, (e) to protect public access to riverine corridors, (f) to conserve and protect riverine corridors, including wildlife habitat. <p>(2) Despite any other provision of this Plan, development consent may be granted to development on land in a river front area only for the following purposes—</p> <ul style="list-style-type: none"> (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas, (b) the extension or alteration of an existing building that is wholly or partly in the river front area if the extension or alteration will be located no closer to the river bank than the existing building, (c) environmental protection works,

	<p>(d) extensive agriculture and intensive plant agriculture,</p> <p>(e) environmental facilities, recreation areas and recreation facilities (outdoor),</p> <p>(f) water recreation structures.</p> <p>(3) Development consent must not be granted for a purpose specified in subclause (2) unless the consent authority is satisfied of the following—</p> <p>(a) that the development will contribute to achieving the objectives for the zone in which the land is located,</p> <p>(b) that the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area,</p> <p>(c) that the development is not likely to cause environmental harm such as—</p> <p>(i) pollution or siltation of the river, or</p> <p>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna or flora habitats, or</p> <p>(iii) an adverse effect on drainage patterns,</p> <p>(d) that the development will only cause minimal visual disturbance to the existing landscape,</p> <p>(e) that continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised,</p> <p>(f) that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which</p>	<p>(d) extensive agriculture and intensive plant agriculture,</p> <p>(e) environmental facilities, recreation areas and recreation facilities (outdoor),</p> <p>(f) water recreation structures.</p> <p>(3) Development consent must not be granted for a purpose specified in subclause (2) unless the consent authority is satisfied of the following—</p> <p>(a) that the development will contribute to achieving the objectives for the zone in which the land is located,</p> <p>(b) that the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area,</p> <p>(c) that the development is not likely to cause environmental harm such as—</p> <p>(i) pollution or siltation of the river, or</p> <p>(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna or flora habitats, or</p> <p>(iii) an adverse effect on drainage patterns,</p> <p>(d) that the development will only cause minimal visual disturbance to the existing landscape,</p> <p>(e) that continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised,</p> <p>(f) that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which</p>
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	<p>the development is to be carried out and of surrounding land will be maintained.</p> <p>(4) In this clause— bed, of a river, means the whole of the soil of the channel in which the river flows, including the portion—</p> <p>(a) that is alternatively covered or left bare with a rise or fall in the supply of water, and</p> <p>(b) that is adequate to contain the river and its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.</p> <p>river means the Murrumbidgee River.</p> <p>river bank means the limit of the bed of a river.</p> <p>river front area means the land within 100 metres of the top of the bank of the river in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU5 Village,</p> <p>(c) Zone E4 General Industrial,</p> <p>(d) Zone RE2 Private Recreation,</p> <p>(e) Zone C3 Environmental Management.</p>	<p>the development is to be carried out and of surrounding land will be maintained.</p> <p>(4) In this clause— bed, of a river, means the whole of the soil of the channel in which the river flows, including the portion—</p> <p>(a) that is alternatively covered or left bare with a rise or fall in the supply of water, and</p> <p>(b) that is adequate to contain the river and its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.</p> <p>river means the Murrumbidgee River.</p> <p>river bank means the limit of the bed of a river.</p> <p>river front area means the land within 100 metres of the top of the bank of the river in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU5 Village,</p> <p>(c) Zone E4 General Industrial,</p> <p>(d) Zone RE2 Private Recreation,</p> <p>(e) Zone C3 Environmental Management.</p>
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Table 63 – Comparative Analysis of Clause 6.8 Development on river beds and banks

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
N/A	<p>6.8 Development on river beds and banks</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to manage and maintain the quality of water in the Murrumbidgee River, (b) to protect the environmental values and scenic amenity and cultural heritage of those rivers, (c) to protect the stability of the bed and banks of those rivers, (d) to limit the impact of structures in or near those rivers on natural riverine processes and navigability of those rivers. <p>(2) This clause applies to land comprising the bed of the Murrumbidgee River and up to the top of the bank of that river.</p> <p>(3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied of the following—</p> <ul style="list-style-type: none"> (a) that the development is likely to contribute to achieving the objectives of the zone in which the land is located, (b) that the development will not increase erosion, (c) that the development is not likely to cause an adverse effect on riverine habitat or flora or fauna habitats, 	<p>6.8 Development on river beds and banks</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> (a) to manage and maintain the quality of water in the Murrumbidgee River, (b) to protect the environmental values and scenic amenity and cultural heritage of those rivers, (c) to protect the stability of the bed and banks of those rivers, (d) to limit the impact of structures in or near those rivers on natural riverine processes and navigability of those rivers. <p>(2) This clause applies to land comprising the bed of the Murrumbidgee River and up to the top of the bank of that river.</p> <p>(3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied of the following—</p> <ul style="list-style-type: none"> (a) that the development is likely to contribute to achieving the objectives of the zone in which the land is located, (b) that the development will not increase erosion, (c) that the development is not likely to cause an adverse effect on riverine habitat or flora or fauna habitats,

	<p>(d) that the development will not cause an adverse effect on drainage or flow patterns.</p> <p>(4) Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following—</p> <p>(a) that the proposed structure will not be located on an outside bend of the Murrumbidgee River,</p> <p>(b) that the appearance of the proposed structure, from both that river and any adjacent land, will be compatible with the surrounding area,</p> <p>(c) that the development does not involve, and will not result in, the erection of more than one mooring per lot or, if more than one lot is owned by the same owner or owners, one mooring for all such lots owned.</p> <p>(5) This clause is in addition to clause 6.7 and prevails to the extent of any inconsistency with that clause.</p>	<p>(d) that the development will not cause an adverse effect on drainage or flow patterns.</p> <p>(4) Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following—</p> <p>(a) that the proposed structure will not be located on an outside bend of the Murrumbidgee River,</p> <p>(b) that the appearance of the proposed structure, from both that river and any adjacent land, will be compatible with the surrounding area,</p> <p>(c) that the development does not involve, and will not result in, the erection of more than one mooring per lot or, if more than one lot is owned by the same owner or owners, one mooring for all such lots owned.</p> <p>(5) This clause is in addition to clause 6.7 and prevails to the extent of any inconsistency with that clause.</p>	<p>(d) that the development will not cause an adverse effect on drainage or flow patterns.</p> <p>(4) Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following—</p> <p>(a) that the proposed structure will not be located on an outside bend of the Murrumbidgee River,</p> <p>(b) that the appearance of the proposed structure, from both that river and any adjacent land, will be compatible with the surrounding area,</p> <p>(c) that the development does not involve, and will not result in, the erection of more than one mooring per lot or, if more than one lot is owned by the same owner or owners, one mooring for all such lots owned.</p> <p>(5) This clause is in addition to clause 6.7 and prevails to the extent of any inconsistency with that clause.</p>
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Table 64 – Comparative Analysis of Clause 6.8 Essential services

Jerilderie LEP 2012	Murrumbidgee LEP 2013	Draft Murrumbidgee LEP 2023
<p>6.8 Essential Services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access. 	<p>6.9 Essential Services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. 	<p>6.9 Essential Services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.

Attachment G:

Supply and Demand Analysis

Residential Land Supply

Darlington Point

Darlington Point is currently serviced with land zoned for conventional urban (RU5 Village) and larger residential lifestyle (R5 Large Lot Residential) purposes with a 600m² and 2ha minimum lot size respectively.

An analysis of residential land supply had been used to determine how much residential land is currently available for consumption.

For the purposes of this assessment, a lot is considered to be 'vacant' where it does not contain a dwelling as at 30 June 2021.

The residential land within Darlington Point has been categorised as follows:

- **Standard Residential**, being land zoned RU5 Village with a minimum lot size of 600m². This land is connected to Council's reticulated sewerage;
- **Large Lot Residential**, being land zoned R5 Large Lot Residential with lot sized of 2ha or larger. This land is not connected to Council's reticulated sewerage.

Whilst it is acknowledged that the RU5 Village zone has a default minimum lot size of 600m², this is not representative of the established residential subdivision pattern of the town, which is more consistent with a minimum lot size of 1,200m².

The table below provides an analysis of the current supply of residential zoned land (both developed and undeveloped) in Darlington Point. The figures used in this table are based on an average of 6.5 lots per hectare, which equates to an average lot size of 1,200m². This calculation also assumes 20% of the development site is required for roads, drainage and open space.

Based on this analysis, Darlington Point has an approximate 93 years supply of residential zoned land based on an average take-up rate of 2 dwellings per annum.

When considering population projections outlined in the Murrumbidgee Land Use Plan and using an average take-up rate of 3 dwellings per annum, the level of residential land supply is reduced to approximately 62 years.

Whilst it is acknowledged that demand for residential allotments within the township has been traditionally low (2-3 dwellings per annum), this has been largely due to a relative lack of supply. Similarly, whilst there is a relatively large supply of undeveloped residential zoned land, again the development aspirations of these landowners have been low, which has resulted in much of this land being land banked or set aside for future development.

In particular, the R5 zoned land currently available within the township is largely unavailable for development as the land has been developed for larger hobby farming/small lot agricultural purposes. Similarly, the development potential of several other larger RU5 zoned parcels of land are limited due either to their current use (for example an apiary) or due to the natural hazards that apply to the land (bushfire, flooding, proximity to sewerage treatment works). When taking into consideration the environmental constraints and current aspirations of landowners, the actual supply of residential land is reduced to approximately 19 hectares.

Based on current day figures, there is no demand for additional conventional residential zoned land. Notwithstanding, there is an anticipated demand for alternative forms of residential lot size products, namely larger lifestyle properties. Due to the proximity of the town to the larger regional centre of Griffith, an opportunity

exists to achieve population growth and in migration from residents currently living within this town. This situation is only expected to increase given the price of land within Griffith as well as the geographical distance that some of the new release areas are from the main urban centre, which is akin to the distance to Darlington Point.

New residential release areas are principally proposed on the western side of town alongside Britts Road. This land adjoins existing zoned land and is free from natural hazards and environmental constraints.

A summary of the existing and proposed land supply for Darlington Point is provided below.

Table 65 – Darlington Point Existing and Proposed Residential Land Supply

Summary		Area	Proposed No. of additional lots	Demand (dwellings p.a.)	Years Supply
Existing Supply					
RU5 Village (600m² +)	DPIE Projection (High Growth)	25ha	166*	2	83
	Council Projection (High Growth)	25ha	166*	3	55
R5 Large Lot Residential (2ha+)	DPIE Projection (High Growth)	55ha	20	1	20
	Council Projection (High Growth)	55ha	20	2	10
Proposed Supply					
R5 Large Lot Residential (5,000m²)	DPIE Projection (High Growth)	30ha	48	2	24
	Council Projection (High Growth)	30ha	48	3	16
R5 Large Lot Residential (2ha+)	DPIE Projection (High Growth)	35ha	14	2	7
	Council Projection (High Growth)	35ha	14	3	4.6
Total*	DPIE Projection (High Growth)	145ha	248	2	124
	Council Projection (High Growth)	145ha	248	3	83

***Note:** This figure includes approved subdivisions but excludes land that is subject to environmental constraints

Coleambally

An analysis of residential land supply had been used to determine how much residential land is currently available for consumption.

For the purposes of this assessment, a lot is considered to be 'vacant' where it does not contain a dwelling as at 30 June 2021.

The residential land within Coleambally has been categorised as follows:

- **Standard Residential**, being land zoned RU5 Village with a minimum lot size of 600m². This land is connected to Council's reticulated sewerage;
- **Large Lot Residential**, being land zoned R5 Large Lot Residential with lot sized of 2ha or larger. This land is not connected to Council's reticulated sewerage.

Whilst it is acknowledged that the RU5 Village zone has a default minimum lot size of 600m², this is not representative of the established residential subdivision pattern of the town, which is more consistent with a minimum lot size of 1,000m².

There are currently approximately 15 vacant developed residential zoned lots within the township that are available for development. Furthermore, there is approximately 11.5 hectares of residential zoned land located to the south west of the main township, which can be further subdivided for conventional residential purposes.

It is noted that there is another approximate 7 hectare sized parcel of land zoned RU5 Village located to the south of Kookaburra Avenue. However, this land has not been included within the existing residential land supply as it is heavily vegetated and is proposed to be rezoned for environmental purposes.

In addition, there is approximately 87 hectares of undeveloped land located to the south of Coleambally along Pine Drive that is zoned R5 Large Lot Residential with a 2 hectare minimum lot size that could be further developed.

The table below provides an analysis of the current supply of residential zoned land (both developed and undeveloped) in Coleambally. The figures used in this table are based on an average of 8 lots per hectare for RU5 zoned land, which equates to an average lot size of 1,000m². Land supply in the R5 Large Lot Residential Zone has been calculated using a 2 hectare minimum lot size. This calculation also assumes 20% of the development site is required for roads, drainage and open space.

Based on this analysis, Coleambally has an approximate 50 years supply of residential zoned land based on an average take-up rate of 2.5 dwellings per annum.

When considering population projections outlined in the Murrumbidgee Land Use Plan and using an average take-up rate of 3.5 dwellings per annum, the level of residential land supply is reduced to approximately 35 years.

Notwithstanding, the existing level of residential land supply, the Planning Proposal seeks to rezone additional lands for a range of purposes and lot sizes.

More specifically, it is proposed to rezone land on the eastern side of the Coleambally Central School from RU1 Primary Production to RU5 Village with a 600m² minimum lot size. The rezoning of this land represents infill development within close proximity to infrastructure and services. The land is also unconstrained from an environmental perspective. This land has a total area of approximately 3 hectares, which could result in the creation of an additional 20 conventional residential lots.

The Land Use Plan also recommends rezoning land to the south west of the main township from RU1 Primary Production to RU5 Village with a 600m² minimum lot size. This land is largely unconstrained with the exception of a number of scattered paddock trees and adjoins vacant land currently zoned RU5 Village, which is accessed via Kookaburra Avenue. The total size of this area is approximately 7 hectares in size, which could result in the creation of an additional 45 conventional residential lots.

A further urban infill area has been identified via an extension of Bluebonnet Crescent. This land has a total area of approximately 4 hectares, which could result in the creation of an additional 28 conventional residential lots.

In order to achieve a diversity of residential lot types it is proposed to rezone land to the south of Lovegrove Road and adjoining the Kidman Way from RU1 Primary Production to R5 Large Lot Residential with a 2 hectare minimum lot size. This land is unconstrained from an environmental perspective and already adjoins

land that has been developed for large lot residential purposes. The total size of this area is approximately 40 hectares, which has the potential to create an additional 16 large lot residential properties.

Lastly, it is recommended to rezone 4 existing parcels of land located on the southern side of Kyola Road from RU1 Primary Production to R5 Large Lot Residential with a 5 hectare minimum lot size. This land is already highly fragmented and does not adjoin productive agricultural lands. The total size of this area is approximately 102 hectares, which has the potential to create an additional 10 lots.

Based on the land zoning and minimum lot size recommendations, this land has the potential to cater for up to approximately 129 additional residential lots as outlined in the table below.

Based on the current take up rate of 2.5 dwellings per annum, this equates to a residential land supply of approximately 52 years.

When considering the forecast take-up rate of 3.5 dwellings per annum, this level of residential land supply is reduced to approximately 37 years.

This level of proposed residential land supply is in addition to the existing supply that is currently available and brings the total supply to 97 years.

Table 66 – Coleambally Existing and Proposed Residential Land Supply

Summary		Area	Proposed No. of additional lots	Demand (dwellings p.a.)	Years Supply
Existing Supply					
RU5 Village (600m² +)	DPIE Projection (High Growth)	11.5ha	89*	2.0	44.5
	Council Projection (High Growth)	11.5ha	89*	2.5	35.6
R5 Large Lot Residential (2ha+)	DPIE Projection (High Growth)	87	35	0.5	70
	Council Projection (High Growth)	87	35	1.0	35
Proposed Supply					
RU5 Village (600m² +)	DPIE Projection (High Growth)	14ha	93	2.0	46.5
	Council Projection (High Growth)	14ha	93	2.5	37.2
R5 Large Lot Residential (2ha+)	DPIE Projection (High Growth)	40ha	16	0.5	32
	Council Projection (High Growth)	40ha	16	1.0	16
R5 Large Lot Residential (5ha+)	DPIE Projection (High Growth)	102ha	20	0.5	40
	Council Projection (High Growth)	102ha	20	1.0	20
Total	DPIE Projection (High Growth)	254.5	243	2.5	97.2
	Council Projection (High Growth)	254.5	243	3.5	69

* This figure includes the existing 15 constructed lots that are vacant

Jerilderie

An analysis of residential land supply had been used to determine how much residential land is currently available for consumption.

For the purposes of this assessment, a lot is considered to be 'vacant' where it does not contain a dwelling or has been sold as at 30 June 2021.

The residential land within Coleambally has been categorised as follows:

- **Standard Residential**, being land zoned RU5 Village with a minimum lot size of 600m². This land is connected to Council's reticulated sewerage;
- **Large Lot Residential**, being land zoned R5 Large Lot Residential with lot sized of 2ha or larger. This land is not connected to Council's reticulated sewerage.

Whilst it is acknowledged that the RU5 Village zone has a default minimum lot size of 600m², this is not representative of the established residential subdivision pattern of the town, which is more consistent with a minimum lot size of 1,000m².

There are currently approximately 25 vacant developed and undeveloped residential zoned lots within the township that are available for development. All residential zoned land within the town has been developed with the exception of public parks or the like, which are zoned residential.

In addition, there is approximately 70 hectares of developed and undeveloped land located to the north of Showgrounds Road that is zoned R5 Large Lot Residential with a 2 hectare minimum lot size that could be further developed.

In recognition of a general lack of developed residential zoned land, Council has constructed the Wunnamurra residential estate located to the west of town. All of stage 1 of this subdivision has been sold and so too has a portion of stage 2. Of these 37 lots, nine (9) have already been sold off the plan with four (4) additional lots being ear marked for a seniors independent living.

Whilst it is acknowledged that there is an additional supply of R5 Large Lot Residential zoned land located either side of Billabong Creek, it is noted that these properties are subject to high hazard flooding and are located within a floodway and cannot be further developed.

The table provides an analysis of the current supply of residential zoned land (both developed and undeveloped) in Jerilderie. The figures used in this table are based on an average of 8 lots per hectare for RU5 zoned land, which equates to an average lot size of 1,000m². Land supply in the R5 Large Lot Residential Zone has been calculated using a 2 hectare minimum lot size. This calculation also assumes 20% of the development site is required for roads, drainage and open space.

Based on this analysis, Jerilderie has an approximate 19.5 years supply of residential zoned land based on an average take-up rate of 2 dwellings per annum.

When considering population projections outlined in the Murrumbidgee Land Use Plan and using an average take-up rate of 3 dwellings per annum, the level of residential land supply is reduced to approximately 13 years.

Given the relatively low level of land supply, the Planning Proposal seeks to rezone additional land for residential purposes. The properties represent both infill and greenfield development and are currently zoned IN1 General Industrial and RU1 Primary Production with a minimum lot size of 200 hectares.

More specifically, it is proposed to rezone land on the western side of Jerilderie to RU5 Village with a 600m² minimum lot size. The rezoning of this land represents an expansion of the adjoining Wunnamurra residential estate, which Council is currently developing. Stage 1 of this estate is all sold with a portion of stage 2 now also sold and developed. All infrastructure and services are available to the land and can be extended, however it is recommended that an existing flood back runner be retained within a rural zone. The portion of land proposed

to be rezoned has a total area of approximately 13 hectares, which could result in the creation of an additional 80 conventional residential lots.

The Land Use Plan also recommended rezoning 25-27 Southey Street from E4 General Industrial to RU5 Village with a 600m² minimum lot size. The rezoning of this land is reflective of its current use as it has been developed for independent aged care housing. Consequently, the rezoning of this land will not add additional residential land supply, but rather correct a mapping anomaly.

It is also recommended that the southern portion of 1 Brown Street be rezoned from R5 Large Lot Residential to RU5 Village with a 600m² minimum lot size. The rezoning of this land is reflective of the fact that it is located above the relevant flood height and immediately adjoins existing urban zoned land. This land is approximately 3.5 hectares in size, which could result in the creation of 22 additional lots.

The Land Use Plan also recommends rezoning a small area of land on the southern side of the former railway. This land is already largely developed for residential purposes and will only result in the addition of two extra allotments.

Lastly, it is recommended that an additional area of land to the north of Jerilderie be rezoned from RU1 Primary Production to R5 Large Lot Residential with a 2 hectare minimum lot size. This land is approximately 33 hectares in size, which could result in the creation of 13 additional lots.

Whilst it is acknowledged that there is already a large area of R5 zoned land between Billabong Creek and Showgrounds Road, this land is already developed and is located within a floodway and cannot be further developed.

When considering existing and proposed residential land supply, there is opportunity within Jerilderie to cater for up to approximately 132 additional residential lots as outlined in the table below. Based on the current take up rate of 2 dwellings per annum, this equates to a residential land supply of approximately 66 years.

When considering the forecast take-up rate of 3 dwellings per annum, this level of residential land supply is reduced to approximately 41 years.

Table 67 – Jerilderie Existing and Proposed Residential Land Supply

Summary		Area	Proposed No. of additional lots	Demand (dwellings p.a.)	Years Supply
Existing Supply					
RU5 Village (600m² +)	DPIE Projection (High Growth)	4ha	25*	1.5	17
	Council Projection (High Growth)	4ha	25*	2.5	10
R5 Large Lot Residential (2ha+)	DPIE Projection (High Growth)	70ha	14**	0.5	28
	Council Projection (High Growth)	70ha	14**	0.5	28
Proposed Supply					
RU5 Village (600m² +)	DPIE Projection (High Growth)	17ha	80	1.5	53
	Council Projection (High Growth)	17ha	80	2.5	32
	DPIE Projection (High Growth)	33ha	13	0.5	26

R5 Large Lot Residential (2ha+)	Council Projection (High Growth)	33ha	13	0.5	26
Total*	DPIE Projection (High Growth)	124ha	132	2	66
	Council Projection (High Growth)	91ha	132	3	41

* This figure includes vacant developed land, as well as likely estimated brownfill (infill) lots

**This figure accounts for the number of existing holdings and development potential of this land

Industrial Land Supply

Darlington Point

As outlined within this Planning Proposal, Darlington Point does not currently have any industrial zoned land. Therefore, the existing supply and demand for this type of the land is currently zero.

Given the significant constraints this is placing on economic growth and job creation, as well as pre-existing land use conflicts resulting from the operation of semi industrial businesses within established residential areas, Council is investigating options to rezone land for industrial (employment) purposes. Specifically, Council has been approached by the owner of a strategically located site to establish an industrial hub at their property.

In recognition that no industrial zoned land is currently available, an industrial land supply assessment of Griffith was undertaken. In April 2013, Griffith City Council prepared the *Griffith Land Use Strategy – Beyond 2030*. According to this document, “Future industrial uses will be encouraged to expand on the western fringe of Griffith, where larger properties are available that are relatively accessible to infrastructure and transport. Approximately 468ha of relatively unconstrained land is available for this purpose in the medium to long term”.

Following a review of this area and other industrial zoned areas, it is noted that a proportion of this land has been developed in the 10 years since this Strategy was adopted. The remaining zoned land within Griffith comprises smaller pockets of industrial land interspersed within the main urban area, as well as large areas of greenfield expansion.

Whilst it is acknowledged that there is still available industrial land to be developed, Darlington Point is located some approximately 40 kilometres south of this regional centre and is strategically located on the key intersection of the Kidman Way (north-south) and Sturt Highway (east-west). For this reason, the establishment of a new industrial hub at Darlington Point is considered appropriate and necessary in this instance.

Specifically, the Planning Proposal seeks to rezone approximately 75ha of land for industrial (employment) purposes. Land supply figures for this type of development can vary significantly depending on the required lot size, which can range from as small as 1,000-2,000m² up to 10ha in size depending on the proposed site operator. It is confirmed that the subject landowner is targeting the larger scale industrial operations, which are space consumptive in size. This would equate to approximately 30 industrial lots, based on an average lot size of 2ha.

An anticipated take-up rate of 2.5 lots per annum has been used based on the average take-up rate for industrial land in both Jerilderie and Coleambally. The proposed rezoning equates to approximately 12 years supply of industrial land.

Table 68 – Darlington Point Industrial Land Supply

Supply and Demand Analysis	No.
Amount of industrial zoned land	0ha
Total Area of Land proposed to be Rezoned	75ha
Total number of proposed lots	30*
Anticipated take-up rate	2.5 lots per annum
Land supply (years) (based on demand for 2.5 industrial lots p.a.)	12

* This figure will be lower if larger industrial lots are created.

Coleambally

Coleambally is already well serviced with industrial zoned land with approximately 155ha of land located on the eastern side of town zoned E4 General Industrial. This industrial area provides the town with automotive and tyre services, transport, hardware and building supplies, engineering and agricultural industries.

A supply and demand analysis of existing industrial zoned land has been undertaken and is provided in the table below.

As can be seen, there is approximately 60 hectares of vacant industrial zoned land that could be developed. Based on an average lot size of 5,000m² – 7,000m² which is consistent with the current established lot pattern, this could equate to an industrial land supply of 84-115 lots.

A review of recent council building and planning approvals for the previous 5 years shows that on average, 3 new industrial developments are constructed each year in Coleambally. This equates to approximately 28-38 years worth of industrial land.

Accordingly, the town is well serviced with industrial zoned land and there is no need to rezone more land for this purpose, given a large proportion of this area still remains undeveloped.

Table 69 – Coleambally Industrial Land Supply

Supply and Demand Analysis	No.
Amount of industrial zoned land	155ha
Total Lots Created	81
Total Lots Consumed (developed)	60
Total Vacant Lots	21
Vacant Industrial zoned land (to be developed)	59ha
Potential additional lot supply (based on average lot size of 5,000m ² – 7,000m ²)	84-115*
Land supply (years) (based on demand for 3 industrial lots p.a.)	28-38

* This figure will be lower if several larger industrial lots are created similar to other examples within the industrial estate.

Jerilderie

Jerilderie has a reasonable supply of industrial zoned land with approximately 80 hectares of land located on the southern side of the town zoned E4 General Industrial.

Much of this land is located alongside the former Jerilderie railway line and extends along Sargood Street and Oaklands Road to the east. Land to the west of Southey Street is also zoned for industrial purposes and contains a recently constructed new service station, as well as Council's depot site.

A supply and demand analysis of existing industrial zoned land has been undertaken and is provided in the table below.

As can be seen in this table, there is approximately 16.5 hectares of vacant industrial zoned land that could be developed. Based on an average lot size of 2,000m² – 4,000m² which is consistent with the current established lot pattern, this could equate to an industrial land supply of 33-66 lots.

A review of recent council building and planning approvals for the previous 5 years shows that on average, 1.5 new industrial developments are constructed each year in Jerilderie.

Based on current industrial supply and demand figures, this equates to approximately 22-44 years worth of industrial land.

Notwithstanding the above, the Planning Proposal does seek to rezone two additional parcels of land with a total area of 4ha. In doing so, this would equate to an additional 10-20 industrial lots or 6.5-13 years of industrial land supply. The provision of this additional land is considered appropriate should several of these parcels be developed for large scale industrial purposes.

Furthermore, it is also noted that this same Planning Proposal also seeks to back zone an equivalent sized area of land from E4 General Industrial to RU5 Village. Overall, the amount of industrial (employment) zoned land will remain the same.

Table 70 – Jerilderie Industrial Land Supply

Supply and Demand Analysis	No.
Amount of industrial zoned land	80ha
Total Lots Created	83
Total Lots Consumed (developed)	65
Total Vacant Lots	18
Vacant Industrial zoned land (to be developed)	16.5ha
Potential additional lot supply (based on average lot size of 2,000m ² – 4,000m ²)	33-66* lots
Land supply (years)(based on demand for 1.5 industrial lots p.a.)	22-44
Proposed additional lot supply	10-20 lots
Proposed additional land supply (years)	28-57

* This figure will be lower if several larger industrial lots are created similar to other examples within the industrial estate. The figure also excludes the former railway land as it is held in public ownership and is unavailable for development.

Attachment H: Murrumbidgee Floodplain Risk Management Study and Plan

Attachment I: Jerilderie Flood Study

Attachment J:

Park Homestead Site Historical Heritage Assessment & Heritage Impact Statement



Draft Building Over or Adjacent to Council Infrastructure Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning Community & Development		
Authorised By	John Scarce	General Manager		

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PART 1 – PRELIMINARY

1. Name of the Policy and Purpose

This policy is the ***Building Over or Adjacent to Council Infrastructure Policy*** and its purpose is to protect the Council's interest should problems arise following the construction or placement of a building or structure over or within the zone of influence of Council water, sewerage and stormwater infrastructure.

2. Aim of Policy

The aim of the policy is to:

- a. Provide direction as to what is permitted when seeking consent to construct or erect a building or structure over or adjacent to water, sewerage or stormwater infrastructure, based on the following order of approach:
 - i. Reposition the proposed building or structure;
 - ii. Relocate the affected infrastructure;
 - iii. Provision of protection measures and build in the vicinity of underground infrastructure;
- b. Provide guidelines that Council deems acceptable with regard to building over or in the vicinity of its underground infrastructure.
- c. Ensuring that there is no adverse impact upon the operation, maintenance, replacement or structural integrity of Council's infrastructure.

3. Scope of policy

This policy applies to:

- a. The construction of all Class 1-10 buildings and structures as set out in the Building Code of Australia
- b. Where Council determines that the location of a building or structure is near or in the vicinity of Council infrastructure, including those that are:
 - i. within, or likely to be within the zone of influence of a water, sewer or stormwater pipe; and
 - ii. within, or likely to be within the minimum clearance requirements to enable maintenance and repair; and
 - iii. likely to prevent or otherwise limit access for the purpose of maintenance or repairs; and
 - iv. encroach or likely to encroach upon any easement.
- c. All new development in the Murrumbidgee Council Local Government Area that is to connect to Council's infrastructure, as a result of the amplification and expansion of the infrastructure network.

4. Definitions

In this policy:

Application means an application for consent under Part 4 of the Act to carry out development, and includes an application for a complying development certificate and an application to modify a development consent.

Building Code of Australia (BCA) means the National Construction Code, Volumes I, II & III.

Council means Murrumbidgee Council.

Development process means application, assessment, determination, and enforcement.

Easement means a legal right that attaches to land or a part of land (the 'burdened land') and allows a benefiting party to use the land in a particular manner.

Infrastructure asset means the physical components concerned with the supply of water, sewerage and stormwater services owned and maintained by Council. This would include gravity sewer mains, sewer maintenance holes, pressure sewerage mains, water mains and associated structures and utilities and stormwater mains.

Invert means the outside edge of the lowest part of the cross section of a pipe.

Light weight building or structure means structures such as demountable aboveground swimming pools and rainwater tanks that are able to be removed via manual handling, and buildings up to 60m² in floor area constructed as portal frame or similar with bolted base connections, able to be removed using machinery without the need for partial or total demolition.

Structure means anything that is constructed and is identified in the Building Code of Australia as a Class 1-10 building that may either be fixed, moveable, temporary or permanent.

Zone of influence means the area extending both horizontally and longitudinally along the alignment of an underground pipeline within which settlement or disturbance of the ground may cause damage to structures within this zone, or load from structures on the surface may have an impact on the pipeline.

Any other word or expression used in this policy has the same meaning as it has in the Environmental Planning & Assessment Act, 1979 and any instruments made under the Act, unless it is otherwise defined in this policy.

Notes in this policy do not form part of the policy.

PART 2 – GUIDELINES AND APPLICATION REQUIREMENTS

5. Limitations and restrictions

The following limitations and restrictions apply:

- a. Council will not permit the erection of a structure or a building over its water supply infrastructure, or within the zone of influence of that infrastructure, whether or not the infrastructure is within an easement.
- b. Council will not permit the erection of a structure or a building over its stormwater infrastructure, or within the zone of influence of that infrastructure, whether or not the infrastructure is within an easement.
- c. Council may permit the erection of a structure or building over its sewer infrastructure if it can be demonstrated that no alternative options for their siting exist, and compliance with the controls set down in clause 9 are met.
- d. Any costs associated to repair or relocate Council infrastructure shall be borne by the developer.

6. Controls

The controls in this part have been developed so as to inform developers, consultants, designers and the general public as to what Council deems acceptable with regard to building over or in the vicinity of water, sewer and stormwater infrastructure, including associated access points, utilities and easements.

Council's first position is that structures are not to be constructed over sewer mains or within the sewer zone of influence. Where the structure cannot be repositioned, or where it is impractical to relocate services, the following controls apply:

- a. Structures and/or construction generally **will not be permitted** to be built over and/or in close proximity to the following:
 - An easement containing a pressurised sewer or within 1 metre from any point on the outside edge of the pressurised sewer or associated vent or maintenance structure;
 - Where sufficient clearances to sewer manholes, inspection shafts, or maintenance points and junctions cannot be achieved;
 - Concrete pipes, asbestos cement pipes or vitreous clay pipes as they may be cracked and have leaking joints and require rehabilitation or replacement before construction to minimise the likelihood of any problems or structural failure. If local conditions permit, these pipes can be replaced with alternative pipe materials, subject to approval by Council;
 - Any gravity sewer that, in the opinion of Council, is in poor condition. The condition of the sewer must be reviewed by Council and, as necessary, has been CCTV inspected, its structural condition assessed and, as appropriate, rehabilitation works undertaken. The costs associated with the CCTV inspection are to be at the applicant/owner's expense;
 - Within 1 metre of a sewer connection servicing an adjoining property;
 - Class 1 and Class 2-9 buildings.

- b. Structures or buildings that **may be permitted** to be built over and/or in close proximity to the following:
- Landscaping, including terraced garden beds;
 - Concrete driveways, paths or decorative paving;
 - Class 10a buildings, including non-habitable garages, carports, sheds, pergolas and the like;
 - Class 10b structures, including fences, retaining walls, swimming pools, flag-poles and the like.
- c. The following setbacks and clearances apply for all structures:
- i. A minimum setback of 1.5 metres is required from the centre of any maintenance shaft or manhole, as well as a minimum vertical clearance of 2.4 metres;
 - ii. Where access structures, maintenance shafts or manholes are located in the rear of a property, a minimum side setback of 900mm is required.
- d. The following controls apply to landscaping, including raised garden beds, paved areas, driveways, flagpoles, retaining walls and fences:
- i. An application is not required provided that all works comply with the exempt development requirements set out in clause 1.16 and part 2, division 1 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
 - ii. Footings for retaining walls or fences over 600mm in height are not permitted within 1.5m of a pipeline or manhole. Any retaining wall or fencing crossing a pipeline must be supported to ensure loads are not transferred to the pipeline;
 - iii. Where the sewer main is shallow, 1.0m or less, root barriers are to be installed around any new tree plantings. Any selected tree or shrub species should have a non-invasive root system so as to prevent damage to Council's infrastructure assets.
- e. The following controls apply to Class 10a buildings, including non-habitable garages, carports, sheds, pergolas and the like:
- i. Footings are not permitted within any existing or proposed easement;
 - ii. Footings are not permitted within 1.5m of a pipeline or manhole;
 - iii. The foundations of any structure are to be constructed in such manner that no loads due to the structure are transferred onto Council's infrastructure assets or their foundations.
- f. The following controls apply to swimming pools.
- i. Swimming pools are not permitted within any existing or proposed easement;
 - ii. Above ground swimming pools are not permitted within 1.5m of a pipeline or manhole;
 - iii. In-ground swimming pools are to be located outside the zone of influence, plus 2 metres from any pipeline (water, sewer, stormwater) or manhole.

- g. Easements and restrictions on the title of the land shall be required in the following instances:
- i. In all new subdivisions, easements shall be provided for all Council infrastructure (including but not limited to water mains, stormwater mains and sewer mains). The easement shall be referenced on the plan of subdivision and in a Section 88B instrument on the title of the land;
 - ii. Where the development involves work being undertaken on existing infrastructure, including the provision of new infrastructure or the relocation of existing infrastructure. The easement will be registered on a plan and in a Section 88B on the title of the land;
 - iii. The width of any easement shall be in accordance with the following table:

Table 1: Easement widths

Depth to pipe invert	Minimum width of easement
Up to 2.5m	3.0m
Greater than 2.5m	To be determined by Director
Low pressure sewer systems	1.0m or twice the depth of the invert, whichever the greater

Note 1: Where possible underground infrastructure shall be centrally positioned within the easement.

Note 2: The Director has the power to vary the width of an easement for low pressure sewer systems.

PART 3 – OTHER MATTERS

7. Legislation and related matters

The following legislation and related matters were referenced in the drafting of the policy:

- (a) Environmental Planning and Assessment Act, 1979
- (b) Environmental Planning and Assessment Regulation, 2021
- (c) Local Government Act, 1993
- (d) Local Government (General) Regulation, 2021
- (e) National Construction Code, Vol I, Building Code of Australia Class 2-9 Buildings, 2022 (as amended)
- (f) National Construction Code, Vol II, Building Code of Australia Class 1 & 10 Buildings, 2022 (as amended)
- (g) National Construction Code, Vol III, Plumbing Code of Australia 2022 (as amended)

8. Directorate

This policy was prepared by Planning, Community and Development Directorate for the Infrastructure Directorate.

9. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Draft Use of Council's Footpath Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised by	John Scarce	General Manager		

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PART 1 – PRELIMINARY

1) Name of the Policy and Purpose

This policy is the ***Use of Council's Footpath Policy*** and its purpose is to set down guidelines and application requirements relating to the use of the Council's footpaths within commercial areas of Coleambally, Darlington Point and Jerilderie.

2) Aim of Policy

(1) The aims of the policy are:

- a. to enable local food and drink premises including hotels, refreshment rooms, cafes, and restaurants in the commercial areas of each village with the opportunity to establish safe outdoor eating areas on the public footpath;
- b. to provide opportunities for not-for-profit organisations, charities and commercial operators to set up food vending carts and barbeques to operate from appropriate locations on Council's footpath;
- c. to provide local business the opportunity to display merchandise in appropriate locations on Council's footpath;
- d. to enable local business the opportunity to display temporary advertising structures in appropriate locations on Council's footpath; and
- e. to allow buskers to perform on land owned by or in the control of Council.
- f. to enable local not-for-profit and sporting organisations to set up stalls and sell raffle tickets.

(2) The policy also aims through the provisions of fair and reasonable controls to manage public safety on footways for all people living in and visiting the Murrumbidgee local government area, especially for the elderly and the visibility/mobility impaired, by maintaining a safe environment and prevent obstruction to pedestrian and vehicle movement in the designated areas.

3) Scope of policy

(1) This policy applies to all land within the commercial precincts of Coleambally, Darlington Point and Jerilderie, shown in the Figures 1, 2 and 3.

(2) The display of temporary advertising structures and goods for sale is not permitted in the following areas:

- a. Parks, open spaces or public road median strips.
- b. Narrow footpaths that are considered to have high pedestrian use.
- c. Footpaths that are occupied by other uses, such as bus stop, taxi ranks, fire hydrants, Australia Post facilities.
- d. Footpaths in the vicinity of intersections which may interfere with visibility or distract vehicular movement.

(3) Where the use of the footpath adjacent to a classified road concurrence of Transport for NSW is required.

Figure 1: Coleambally Commercial Precinct



Figure 2: Darlington Point Commercial Precinct



Figure 3: Jerilderie Commercial Precinct



4) Definitions

(1) In this policy:

Application means either a development application for consent under Part 4 of the Act to carry out development and includes an application for a complying development certificate and an application to modify a development consent, or an application made under section 68 of the Local Government Act, 1993.

Busker is a person (or group) who plays a musical instrument, sings, dances, mimes or performs an act to entertain the public.

Council means Murrumbidgee Council.

Development process means application, assessment, determination, and enforcement.

Food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

Food vending cart means a barrow, trolley or cart that does not require registration with Transport for NSW and any adjacent area reasonably used for the purpose of displaying and selling food stuffs.

Hotel means the premises to which an hotelier's licence granted under the Liquor Act 1982 relates.

Local not-for-profit or sporting organisations means a group with ties to the local government area and the villages and surrounds of Coleambally, Darlington Point and Jerilderie.

Primary service authorisation enables liquor to be served to patrons without another product or service under an on-premises licence. The most common example is the sale of liquor in a restaurant without a meal. All restaurants, including those with a primary service authorisation, cannot operate with the primary purpose of selling or supplying liquor. Restaurants with a primary service authorisation must have meals available at all times. A primary service authorisation does not allow a restaurant to operate as a bar.

Public performance means performance by a group of music, singing, dance or similar activity or public speaking on behalf of a group, agency or Church.

Refreshment room means a restaurant, café, tearoom, eating house or the like.

(2) Notes in this policy do not form part of the policy and are advisory.

PART 2 – GUIDELINES FOR OUTDOOR DINING

5) Requirements for use of footpath for outdoor dining

- (1) Where it is proposed to use Council's footpath for outdoor dining incorporating the placement of tables, chairs and associated shade structures, an application for development consent is to be made to Council and determined in accordance with the provisions of Environmental Planning & Assessment Act, 1979 and Section 125 of the Roads Act, 1993. Consent, if granted will be subject to:
 - a. Any approval will be subject to compliance with the provisions set down in clause 3 of the Policy and will be subject to conditions including, but not limited to, annual agreement where the payment of fees is in accordance with Council's Revenue Policy and written indemnification against action or claims against Council included in Public Liability Insurances.
 - b. Applicants will be required to enter into a licence agreement with Council, make payment of fees based on the dimensions of the area approved by Council in accordance with Council's Revenue Policy and provide written indemnification against action or claims against Council included in Public Liability Insurances.

Note 1: Development consent determines only that the footpath may be used for the purpose of outdoor dining. The licence to occupy the footpath is an agreement between the occupier and the land owner (Council) describing the terms under which the footpath is used. This may vary from time to time in accordance with this Policy or its amendments.

Note 2: The existence of development consent does not imply approval of any of the terms of the licence agreement. A licence agreement will not be entered into that departs from conditions of development consent.

6) Controls and guidelines applying to outdoor dining

- (1) The following controls have been developed to provide guidelines for applicants seeking development consent for outdoor dining:
- a. Only applies to premises which have received development approval for or are lawfully used as food and drink premises.
 - b. There shall be no obstruction or danger created for pedestrian or vehicular traffic flow.
 - c. The area to be occupied shall normally be of a dimension that is equal to the width of the shop front. A development or licence application which proposes to extend forward of the neighbouring shop front will be referred to the neighbouring property owner and business operator unless written permission of the parties is contained in the application.
 - d. A minimum 2.6 m wide clear area is to be provided to enable pedestrian movement. A greater distance may be required based on the proposal and the circumstances of the case including existing constraints due to the volume of pedestrian traffic, proximities to other footpath obstructions, proximity to intersections and other footpath conditions including cross-fall and slope.
 - e. Outdoor dining will not be permitted on the footpath adjacent to the shop wall.
 - f. Where parking is adjacent to any proposed outdoor eating area a setback of one metre is required for passengers to alight from their vehicles. A suitable road safety barrier system may be required with a 1.0 metre setback from the kerb.
 - g. If alcohol is to be served, it shall be done in accordance with Liquor and Gaming NSW licensing requirements for primary service authorisation. In the case of hotel premises, the outdoor eating area on Council's footpath is to be used primarily for the serving and consumption of meals and is not to be used solely for serving alcohol such as a 'beer garden'.
 - h. Any approval for meal consumption will require appropriate signage stating that the furniture is only to be used by customers who are to consume a meal prepared or sold by the establishment, and stating any restriction to hours where alcohol is consumed. The wording is to be approved by the Director Planning, Community & Development (or equivalent position) or their nominated delegate.
 - i. Where it is proposed that alcohol will be consumed, specific approval is required from the Liquor and Gaming NSW and where no liquor license is in force both Murrumbidgee Council and Liquor and Gaming NSW.

Note 3: Where an alcohol free zone is in force, the development consent only applies to the area delineated for outdoor dining.

Note 4: Where this adjoins a classified road, Council will refer the matter to Transport for NSW and be subject to their concurrence.

- j. The hours of operation shall be:-
 - i. For premises where no alcohol service is provided, the hours for the use of the outdoor seating shall be between 6.00am until the close of trade of the approved use of the premises or 12.00am whichever is the earliest.

- ii. For premises where alcohol is proposed to be served including BYO premises, the hours for the use of the outdoor seating shall be between 6.00am until the close of trade of the approved use of the premises or 12.00am whichever is the earliest. Alcohol shall not be served or consumed on the footpath prior to 10.00am or after 10.30pm Sunday to Thursday, and prior to 10.00am to midnight Friday and Saturdays. A legible sign describing the requirements above is to be clearly displayed.
- k. No moveable furniture is to be left on the footpath area outside the hours stated in (j) above.
- l. Unless otherwise approved by Council, Street Furniture must meet the following objectives:
 - i. Moveable tables must be metal mesh, timber or similar construction.
 - ii. Chairs must be metal mesh, timber or similar finish.
 - iii. High quality plastic furniture shall be permitted with the approval of Council.
 - iv. A range of umbrella colours will be permitted provided there is consistency grouping of the theme of the umbrellas in colour and advertising.
 - v. Discrete advertising related to the restaurant premises will be permitted on the umbrellas.
 - vi. Street furniture must be kept in good serviceable order and repair.
- m. No moveable furniture is to be left on the footpath area outside the hours stated in (j) above.
- n. Where it is proposed or is considered necessary to carry out footpath construction works, paving materials shall be in accordance with the relevant policy or masterplan.
- o. Planter boxes, screens, menu boards or other paraphernalia may be approved subject to specifications required by the Director Planning, Community & Development (or equivalent position) or their nominated delegate provided details are provided in the development application.
- p. Where no onsite toilet facilities are provided, the maximum number of chairs on the footpath plus within the premises shall not exceed 20.
- q. Drop-down screens that interfere with the effectiveness of CCTV coverage will not be allowed.
- r. Where the use of a heating device is proposed, details of the type, location and design must be included in the application. Appropriate fire safety equipment must be easily accessible and its location noted in the application. Heating devices should turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed from public land and appropriately stored when not in use. Direct access to the gas mains and use of electrical extension cords are not permitted.
- s. Installation of gas heaters should be in accordance with AS 4565 – 2004 Radiant Gas Heaters. Heaters must not be placed where they may present a fire hazard (eg in close proximity to umbrellas).
- t. In limited circumstances Council may approve the use of a portion of an Outdoor Dining Area for the purposes of a coffee cart to be used in conjunction with an approved refreshment room. The coffee cart shall comply with the, Australia New Zealand Food Standards Code and the NSW Food Act 2003 and Regulation. Patrons of the coffee cart shall be within the outdoor dining area while being served and queuing outside of this area is not permitted.
- u. Council will require the approved area to be delineated at the applicant's expense. The method of delineation will be determined by Council.

7) Application requirements

- (1) The applicant shall lodge a development application with Council via the NSW Planning Portal. The information to be provided with the development application is to include:
 - a. Land owner's consent from the land owner of the food and drink premises and Murrumbidgee Council as the owner of the footpath. Should the siting of any tables and chairs extend beyond the boundary of the site, then owner's consent is also required from the neighbouring properties.
 - b. Payment of the prescribed fee for a development application, as published in Council's Revenue Policy.
 - c. Detailed plans of the footpath, showing the exact dimensions and position of the proposed area, siting of the street furniture, a cross-section from the property boundary to the top-of-kerb and details of the style, type and colour of the street furniture.
 - d. A statement of environmental effects.

Note 5: Where conditional approval is given additional fees are payable in accordance with Council's Revenue policy. These fees shall include, but not be limited to a bond, a licence preparation fee and an annual fee per square metre.

PART 3 – GUIDELINES FOR OTHER USES OF COUNCIL'S FOOTPATH

8) General Requirements for use of footpath for other purposes

- (1) An application is to be made to Council pursuant to Section 68 of the Local Government Act, 1993.
 - a. the sale of food and drinks on a take-away basis incorporating the placement of food vending carts and gas operated barbeques; or
 - b. the display of goods incorporating the placement of merchandise racks and trade tables; or
 - c. the temporary placement advertising structures incorporating the placement a-frame or sandwich board or like type structures; or
 - d. for the purpose of busking
 - e. for the sale of raffle tickets and the like by local not-for-profit and sporting groups;

9) Controls and guidelines applying to mobile food vending carts and barbeques

- (1) The following controls have been developed to provide guidelines for applicants seeking approval for mobile food vending carts and barbeques
 - a. No obstruction or danger is created for pedestrian or vehicular traffic flow.
 - b. The area to be occupied shall be parallel in length to the shop front. Any extensions on to the neighbouring shopfront of the same premises must have the neighbouring property owner's written permission prior to submitting an Activity Application.

- c. A minimum 2.6 m wide clear area being provided to enable pedestrian movement. A greater distance may be required based on the proposal and the circumstances of the case including existing constraints due to the volume of pedestrian traffic, proximities to other footpath obstructions, proximity to intersections and other footpath conditions including cross-fall and slope, or the nature of the proposed activity.
- d. The hours of operation for the vending cart or barbeque selling or displaying commodities are limited from 8.00am to 7.00pm daily during Daylight Saving period and from 8.00am to 6.00pm daily during other times of the year. In exceptional circumstances, hours of operation may be varied at the discretion of the Director Planning, Community & Development (or equivalent position) or their nominated delegate.
- e. The mobile food vending cart or barbeque shall not operate within 50 metres from any existing business or other premises, displaying or selling similar types of food stuffs at the same time. In addition a mobile food vending cart shall not operate within 50 metres from any not-for-profit or charity organisation operating a fund raising activity which includes a barbeque facility.
- f. No alcohol is to be served.
- g. No food vending cart or barbeque equipment moveable furniture is to be left on the footpath area outside the hours stated in d) above.
- h. All food vending carts and barbeque equipment displaying or selling food must comply with the Food Standards, Australian and New Zealand Food Safety Standards, the Food Act 2003 and the applicable requirements of the NSW Food Authority – Mobile Food Vending Vehicles, 2009.
- i. Suitable garbage receptacles with close-fitting lids must be provided in the food vending cart. When directed, a suitable receptacle must be provided adjacent to the food vending cart for placing litter and all garbage must be removed daily or more frequently when the need arises

10) Controls and guidelines applying to the display of goods on the footpath

- (1) The following controls have been developed to provide guidelines for applicants seeking approval for the display of goods on the footpath. Council will consider the following matters in determining the application:
 - a. Whether products may be considered offensive in a manner from accepted social, moral, religious and cultural perspective.
 - b. Whether the proposed display and sale of goods is likely to cause a safety hazard for pedestrians or detrimentally affect the amenity of the surrounding area or cause damage to footways.
 - c. Display and sale of food items must meet all requirements of the relevant health legislation (eg. safe storage, appropriate temperature regulation, etc).
 - d. The display must not extend further than 1 metre from the existing shop front and be restricted to the length of the street boundary of the premises unless otherwise agreed by Council and stated on the licence permit.
 - e. A minimum clear width of 2.6 metres must be obtained for pedestrians at all times without obstructions from urban features including street trees, bins, street furniture and signs.
 - f. The day-to-day operation of a business in a licensed street trading area is the responsibility of the proprietor/permit holder and the use is at the permit holder's own risk. It is their responsibility to ensure good management practices occur, and the permit holder must:

- i. Operate the business in accordance with principles outlined in this policy and conditions of license agreement;
 - ii. Observe all legal requirements and laws relating to the business;
 - iii. Maintain access in and around the site with consideration that the occupied space is publicly owned space;
 - iv. Comply with all requests made by Council's Planning and Compliance Officers, both formal and informal during the course of the daily operation of the business.
- g. All goods for sale must be established well clear of driveway access points and routes for emergency vehicles;
- h. Display stand(s) must be:
 - i. Stable, and in the case of inclement weather conditions be removed from the footpath;
 - ii. Any display structures with wheels must incorporate a locking device for safety and stability.
 - iii. High presentation quality and appearance;
 - iv. Fit for purpose; and
 - v. Suitably finished so that no damage is caused to Council's pavements.
- i. Displays must be placed immediately against the front wall of the approved business;
- j. Displays must not exceed 1 metre in width or extend beyond the common boundary between adjacent shops;
- k. The permit holder shall be permitted to display goods and place display stands within the approved trading area only during the hours that the business premises is open. All display stands, racks, containers and goods must be removed from the footway and stored within the business premises after business hours;
- l. Full supervision and control must be readily available from the licence holder, proprietor or employees;
- m. The placement of food, perishables or produce of any type within the approved area must comply with health regulations, legislation and requirements;
- n. Displays and goods must not hang from awnings or be attached to the shop fronts;
- o. The permit holder will only be permitted to sell goods that are available from the subject business;
- p. The display of the following items are prohibited:
 - i. Breakable items such as glass, china ware and bottled liquids;
 - ii. Offensive materials;
 - iii. Vending machines, electronic games or pinball machines, poker machines and the like;
 - iv. Large items of household furniture and whitegoods;
 - v. Liquor products, beers, wines or the like, tobacco products or drugs of any type including scheduled medicines; and
- q. The approved area shall not be utilised by anyone other than the permit holder;

11) Controls and guidelines applying to advertising structures

- (1) The following controls have been developed to provide guidelines for applicants seeking approval for the placement of advertising structures on the footpath. Council will consider the following matters in determining the application:
- a. The maximum number of a-frame or sandwich board or like type structures permitted shall be one (1) per premises. Where a premises is occupied by more than one business, such as an arcade or a first floor use, one (1) additional sign may be permitted.
 - b. The content of the sign is only to display details of the business, including details of goods and services available or special sales. The sign shall not contain third-party advertising.
 - c. A minimum clear width of 2.6 metres must be obtained for pedestrians at all times without obstructions from urban features including street trees, bins, street furniture and signs.
 - d. All moveable signage is to be stored away from the public area and off public land outside the hours of operations as approved of the current business.
 - e. All signage must be kept clear of access points to the shop including those of adjoining premises. and routes for emergency vehicles;
 - f. The a-frame sign, sandwich board or like type structure must be:
 - i. Stable, and in the case of inclement weather conditions be removed from the footpath;
 - ii. Constructed of metal or solid timber construction and of a colour harmonious to the surrounds;
 - iii. High presentation quality and appearance;
 - iv. Suitably finished so that no damage is caused to Council's pavements.
 - g. The a-frame sign, sandwich board or like structure must not exceed a height of 1200mm nor exceed 600mm in width.
 - h. Displays must be placed immediately against the front wall of the approved business.

12) Controls and guidelines applying to buskers

- (1) The following controls have been developed to provide guidelines for applicants seeking to busk or provide a public performance:
- a. Buskers can perform anywhere in the areas identified in Figures 1,2 and 3
 - b. Buskers can perform at any one time between the hours of 9.00 am and 5.00 pm each day.
 - c. A busker may accept but cannot solicit donations in appreciation of their performance
 - d. Performances must not cause a nuisance by:
 - i. Obstructing pedestrian or vehicle traffic or entrances to shops or buildings.
 - ii. Excessive noise, due to the amplification of musical or other equipment.
 - iii. Selling or offering for sale of any articles, commodities or services other than a busker's own original recordings.

- iv. Using dangerous implements or materials as part of the performance.
- v. Vilifying or harassing any member of the community, including but not limited to racial, sexual, gender or disability discrimination.

13) Controls and guidelines applying to sale of raffle tickets and local not-for-profit groups

- (1) The following controls have been developed to provide guidelines for local not-for-profit and sporting clubs wishing to sell raffle tickets and set up stalls;
 - a. Stalls may be set up anywhere in the areas identified in Figures 1,2 and 3
 - b. Stalls may only operate from 7.30 am and 5.00 pm each day.
 - c. Applications for Street stalls will be called for each year in November for the following calendar year. Each not for profit organisation or community group shall be granted three (3) street stall bookings per annum for either raffle sales and/or the sale of products. Further stalls may be granted if the dates requested are available. In the event of two or more groups wanting the same date, the date will be awarded by ballot conducted by the General Manager.
 - d. Prior to the application for a street stall being processed, Council must be in receipt of the organisation's current certificate of currency for public liability insurance. The policy should have a minimum coverage of \$10,000,000 and stipulate the location where the risk is insured. Council accepts no responsibility for any accident or injury arising from any fundraising activity as its only involvement is granting permission for the stall to be held.
 - e. There shall be only one (1) street stall in each town per day.
 - f. Collectors for charitable collections shall wear appropriate identification indicating the organisation they represent and must make documentation available for inspection at any time.

PART 3A – APPLICATION REQUIREMENTS FOR OTHER USES

14) Application requirements for mobile food vending carts and barbeques

- (1) The applicant for a food vending cart or a barbeque shall lodge a completed Section 68 application in accordance with of NSW Local Government Act, 1993 to Council which shall be accompanied with the following:
 - a. Owner's consent from the premises where the food vending cart or barbeque is to set up in front of and Murrumbidgee Council as the owner of the footpath.
 - b. In the case of a food vending cart, payment of the prescribed fee;
 - c. A site plan showing the proposed siting of the food vending cart or barbeque;
 - d. Design and specifications of the proposed food vending cart.
 - e. Evidence of a current public liability insurance cover (minimum \$20 million) is to be provided which must indemnify Council of all public liability.

Note 6: Should approval be given for a food vending cart it will be limited to a maximum 36 months and be renewable after the end of this period

Note 7: Where conditional approval is given additional fees are payable in accordance with Council's Revenue policy. These fees shall include, but not be limited to a bond, a licence preparation fee and an annual fee per square metre.

Note 8: Should approval be given for a barbeque to be set up, it will be limited to a one (1) day only and be renewable after the end of this period.

15) Application requirements for the display of goods or advertising structures on the footpath

(1) The applicant seeking to display goods or advertising structures on the footpath is to lodge a completed Section 68 application in accordance with of NSW Local Government Act, 1993 to Council which shall be accompanied with the following:

- a. Owner's consent from the premises where merchandise racks, display tables and advertising structures is to set up in front of and Murrumbidgee Council as the owner of the footpath.
- b. Plans of the footpath, showing the siting of the merchandise rack, display table and details of the style, type and colour of the street furniture; and
- c. Plans of the footpath, showing the siting of the advertising structure, including details of signage content; and
- d. Evidence of a current public liability insurance cover (minimum \$20 million) is to be provided which must indemnify Council of all public liability.

Note 9: Should approval be given for the use of Council's footpath for the display of goods, it will be limited to a maximum of 52 days in a calendar year only and be renewable after the end of this period.

Note 10: Should approval be given for an advertising structure it will be limited to a maximum of 36 months and be renewable after the end of this period.

Note 11: The licence holder shall be responsible for any damage caused to Council's footway by the installation, maintenance and/or removal of the outdoor furniture or facilities, and will bear all costs to repair and make good to existing;

Note 12: Licence agreements are to remain with the property.

16) Application requirements for the buskers and local street stall holders

(1) A busker or a local not-for-profit or sporting group is to make a booking with Council which shall be accompanied with the following:

- a. The owner's consent from Murrumbidgee Council as the owner of the footpath.
- b. The owner's consent from the business operator of the premises where the busker is to perform or where the stall is to be set up.

Note 13: If busking as a group, each member of the group will need to apply for an individual busking license. Groups of up to 3 licensed buskers can perform at any one time, providing all members have their license on display.

Note 14: Busking approvals will be valid for a maximum of 12 months.

Note 15: Should approval be given for a local stall, it will be limited to a one (1) day only and be renewable after the end of this period.

PART 5 – OTHER MATTERS

17) Council Consent as Land Owner

Council's consent as land owner is required prior to the submission of any application for the use of the footpath. Where Council refuses to grant land owner's consent, it shall provide reasons for withholding such consent.

18) Unauthorised Use

The unauthorised use of the footpath, including additional tables and chairs associated with outdoor dining, temporary advertising structures, merchandise racks or trade tables that are not in accordance with an approval or otherwise permitted by Council shall be removed upon the direction of an authorised Council Officer. Where a direction to remove the unauthorised items has been ignored, Council shall impound the unauthorised items.

19) Repair or maintenance works

Any repair or maintenance works to be carried out on the footpath by Council will take precedent over the approval for commercial use. The approval will be suspended during any such work on the footpath and the Permit Holder will be given reasonable period of notice in advance.

20) Notification of Council-related development applications

All development applications for footpath dining areas will be notified for a minimum period of 14 days in accordance with clause 3.3 Community Participation Plan (CPP).

21) Legislation and related matters

The following legislation and related matters were referenced in the drafting of the policy:

- a. Environmental Planning and Assessment Act, 1979
- b. Environmental Planning and Assessment Regulation, 2021
- c. Local Government Act, 1993
- d. Local Government (General) Regulation, 2021
- e. Roads Act, 1993
- f. State Environmental Planning Policy (Exempt & Complying Development) 2008
- g. Food Act 2003

22) Directorate

This policy was prepared by Planning, Community and Development Directorate

23) Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

BALMERINGA

Draft Plan of Management

2023-2028



Murrumbidgee
COUNCIL

OCTOBER 2023

November 2020

Plan of Management prepared for **Murrumbidgee Council**

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Disclaimer:

PARISPLAN Urban & Regional Planning has prepared this Plan of Management for Balmeringa on behalf of Murrumbidgee Council in good faith relying upon information and/or data supplied by the client or other parties. PARISPLAN Urban & Regional Planning however cannot warrant or verify that information provided is truly accurate and as such expressly disclaims any and all liability to any person or persons in reliance on the report and its contents in part or in whole.

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EXECUTIVE SUMMARY

Balmeringa is a small residential complex in the village of Jerilderie. The reserve has significant value to the local community as it has, since 1977, providing social housing for the aged.

Balmeringa is a Crown reserve (R90713) and owned by the State Government that is managed as community land by Murrumbidgee Council for the benefit of the local community.

The intention of this plan of management is to provide Council with a framework that enables decisions in regard to Balmeringa to be made on an informed, consistent and equitable basis. The plan of management satisfies the requirements of the Local Government Act 1993 as amended by the Local Government Amendment (Community Land Management) Act 1998.

The land is categorised in this plan of management, as:

- General community use

The current use patterns; condition of the existing built and natural assets; emerging needs, constraints and opportunities, have been considered in this plan of management. The plan of management identifies appropriate objectives and actions, as well as measures that enable the successful implementation of key outcomes provided by the plan and a means for the effective ongoing management of the reserve to meet the needs of the Jerilderie community.

The plan of management has been prepared with due regard to *Developing Plans of Management for Community Land Crown Reserves—Guideline for Council Crown Land Managers* issued in September 2021 and the sample for a site-specific Crown reserve plan of management outline, in order to achieve a balanced, responsible and ecologically sustainable use of the land and to ensure that it addresses the needs of the local neighbourhood, the broader community, and the environment. It has been prepared to meet the requirements of the Local Government Act, 1993 (LG Act), as amended by the Local Government Amendment (Community Land Management) Act 1998.

PART 1: INTRODUCTION AND GENERAL INFORMATION

1. KEY INFORMATION

- This Plan of Management Plan is for the whole of Lot 215 DP 756426, being Crown Land Reserve No. 90713 and known as Balmeringa, Jerilderie.
- Murrumbidgee Council is the Crown Land Manager pursuant to the relevant provisions of the Crown Land Management Act 2016 and has the responsibility for the ongoing management and care of Balmeringa.
- The Plan of Management for Balmeringa was adopted on **[insert date]**.

Terms that are *italicised* throughout the document are terms defined by legislation. Where relevant these definitions are included in Appendix A.

2. ABOUT PLANS OF MANAGEMENT

A *plan of management* provides information about public land and its user groups stating what, why, how and by whom the integrity of any particular parcel of community land is to be managed. It establishes the values, uses, management practices and broad intent for the public purpose for which the land has been reserved or dedicated.

All plans of management are prepared in accordance with the provisions of the Crown Land Management Act 2016 for Ministerial approval. A plan of management provides a framework for the future management, use and development of reserved Crown land and should be consistent with the public purpose for the reserve and the principles of Crown land management, as well as other guidelines, policies, and any other legal requirements that may apply to the reserve.

The Crown land covered under this plan of management is a community resource that provides a direction that will enable ongoing use of the reserve for residential purposes, targeting housing for elders of the Jerilderie community.

2.1 Why is Murrumbidgee Council preparing a Plan of Management?

Murrumbidgee Council was established on 12 May 2016 following the merger of Murrumbidgee Shire Council and Jerilderie Shire Council and under the provisions of the Crown Land Management Act, 2016 has been identified as a Crown Land Manager. Under the provisions of the aforementioned Act, the responsibilities that fall upon a Crown Land Manager is to ensure that land resources are to be shared equitably in accordance with the principles of environmental protection, conservation and ecological sustainability, public use and enjoyment as well as encouraging multiple use of the land. As

Crown Land Manager, Murrumbidgee Council is required to prepare a plan of management for over 30 parcels of Crown land it is responsible for, including Balmeringa.

A plan of management can fulfil many purposes and a Crown Land Manager may, for example, use a plan of management to:

- Provide a single document that collates information held by Council to enable a single point of reference;
- Expand upon the Council's corporate objectives and direction set out in its Community Strategic Plan;
- Provide an outline the day-to-day use and management of community land;
- Ensure that the environment is properly managed in accordance with the principles of sustainable development;
- Incorporate a masterplan that provides directions for future development, including landscaping and the provision of infrastructure;
- Identify risks associated with the use of the land and incorporate mitigation measures including emergency response actions;
- Explain how the provisions of a local environmental plan or development control plan are to be applied to the particular reserve and if required provide additional guidelines;
- Provide for an additional purpose for a reserve; and
- Create a concept design for future developments;

It is not intended that the Plan of Management for Balmeringa will cover all of the items listed above.

2.1 Corporate objectives of Murrumbidgee Council

The management actions in this Plan of Management have been formulated so that they align with Murrumbidgee Council's Community Strategic Plan (CSP) that was adopted in 2019, which has been adopted on two guiding tenants, one being the principle of social justice and the other being sustainability.

Social justice principles underpinned the Murrumbidgee Council CSP are:

Equity – there should be fairness in decision making, prioritizing and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.

Access – all people should have fair access to services, resources and opportunities to improve their quality of life.

Participation – everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives

Rights – equal rights should be established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.

2.2 Land to which this plan applies

This Plan of Management Plan covers one of the many Crown reserves categorised as a *general community use* which Murrumbidgee Council is the Crown Manager. Land covered by the plan of management is listed in Table 1:

Table 1: Land covered by this plan of management

Land	Real property description	Land owner
R90713 Balmeringa Jerilderie	Lot 215 DP 756426	Crown land managed by Murrumbidgee Council.

Balmeringa, highlighted in the aerial image (contained in Figure 1 on page 8), is within Jerilderie approximately 600m from the central business district. It has an area of 5,285.4m² and has a frontage of Southey St (part of the A39).

Figure 1 – Location of Balmeringa¹



Balmeringa comprises of five single storey, self-contained villas and a detached carport within well maintained landscaped gardens.

¹ NSW Department of Planning, Industry and Environment, SixMaps

2.3 Owner of the land

For the purpose of Section 37 of the Local Government Act, 1993 it must be identified that Balmeringa is owned by the Crown and that Murrumbidgee Council has been appointed as Crown Land Manager under the provisions of Division 3.2 of the Crown Land Management Act, 2016.

The subject land is not subject to any trust, estate, interest, dedication, condition, restriction or covenant referred to in clause 37(b) of the Local Government Act, 1993. Further there is no condition or restriction imposed by the owner in respect to the use of management of the land as referenced in clause 37(c) of the Act.

2.4 Categorisation of the reserve

The land covered by this plan of management is public land and for the purpose of clause 26 of the Local Government Act, 1993 is classified as community land. Table 3 identifies the purpose of the reserve and the categorization of the land as confirmed by the Department of Planning, Industry and Environment – Crown Lands.

Table 2: Land categorization and gazettal date

Land	Purpose(s) & gazettal date	Categorisation
R90713 Balmeringa Jerilderie	Homes for the aged 18 February 1977	<i>General community use</i>

3. Relevant legislation, policies and procedures

The statutory framework for the preparation and operation of the Plan of Management for Balmeringa (BPoM) is primarily guided by:

- Local Government Act, 1993
- Crown Land Management Act, 2016
- Crown Land Management Regulation, 2018

Other legislation, regulations and environmental planning instruments that may be of relevance to the BPoM include:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation, 2021;
- State Environmental Planning Policy (Housing) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Jerilderie Local Environmental Plan, 2012;
- Murrumbidgee Local Environmental Plan, 2013;
- Companion Animals Act, 1998;
- Disability Discrimination Act, 1992.

3.1 Local Government Act 1993

Section 3.23(6) of the Crown Land Management Act, 2016 requires Murrumbidgee Council to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown Land Manager, and that is classified as community land under the Local Government Act 1993 (LG Act). These PoMs must be prepared and adopted in accordance with the provisions of Division 2 of Part 2 of Chapter 6 of the LG Act. The core objectives for the management of community land categorized as *general community use* is set out in Clause 36I of the Act, and clause 106 of the Regulation which are set out in Table 3 below.

Table 3: Core objectives

Land	Guidelines ²	Core Objectives ³
<i>General community use</i>	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

While the Local Government Act 1993 (LG Act) contains many provisions that have an impact on the management of the Reserve there is one aspect of particular importance: the approval requirements

² NSW Local Government (General) Regulation 2021, Part 4 Division 1, Guidelines for the categorisation of community land.

³ NSW Local Government Act 1993, Part 2 Division 2, Use and management of community land.

certain activities specified in the Table from Section 68 of the Act, in particular those listed under Part D Community land.

Section 68 of the Act requires a person, wanting to carry out an activity specified in the Table D, to obtain approval from Council to undertake in any of the following activities:

- 1 Engage in a trade or business
- 2 Direct or procure a theatrical, musical or other entertainment for the public
- 3 Construct a temporary enclosure for the purpose of entertainment
- 4 For fee or reward, play a musical instrument or sing
- 5 Set up, operate or use a loudspeaker or sound amplifying device
- 6 Deliver a public address or hold a religious service or public meeting

The Crown Land Management Act 2016 specifies that approvals of activities under the Local Government Act 1993 must comply with plans of management and that a local council cannot grant an approval for an activity on dedicated or reserved Crown land under Part 1 of Chapter 7 (including Section 68) of the Local Government Act 1993 that contravenes a plan of management for the land.

It is considered, that while the activities listed above may be permitted on community land and consistent with the general community use categorization of the land, they would be inconsistent with the purpose of the reserve, that being homes for the aged. In this regard, the activities listed in Table D of Section 68 of the Local Government Act, 1993 are not supported by the BPoM.

3.2 Crown Land Management Act 2016

Section 3.23(6) of the Crown Land Management Act, 2016 (CLM Act) requires Murrumbidgee Council to adopt a Plan of Management for any Crown reserve for which it is the appointed Crown Land Manager and that is classified as community land under the Local Government Act 1993 (LG Act).

The objects and principles of Crown Land Management are listed in Sections 1.3 and 1.4 of the CLM Act 2016 provide a legislative starting point for preparation of a plan of management. The principles of Crown Land Management are:

- (a) *that environmental protection principles be observed in relation to the management and administration of Crown land, and*

- (b) *that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and*
- (c) *that public use and enjoyment of appropriate Crown land be encouraged, and*
- (d) *that, where appropriate, multiple use of Crown land be encouraged, and*
- (e) *that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and*
- (f) *that Crown land be occupied, used, sold, leased, licensed or otherwise dealt within the best interests of the State consistent with the above principles.*

Crown Land Managers have a statutory responsibility for the care, control and management of the Crown Land for the purposes for which the land is reserved or dedicated or other purposes as authorised by the Act. In this instance the statutory responsibilities assigned to Murrumbidgee Council, as Crown Land Manager, are drawn from Division 3.4 of CLM Act. In this regard Murrumbidgee Council is authorised to:

- Classify and manage its dedicated or reserved Crown land as if it were public land within the meaning of the Local Government Act 1993, subject to this Division (see section 3.21(1).
- To manage its dedicated or reserved Crown land as if it were community land or operational land, but only as permitted or required by this Division including those functions ascribed to it pursuant to section 3.22 of the CLM Act.
- Assign an initial category or categories to the Crown Land in accordance with sections 3.23(2) & (3) of the CLM Act that Council considers to most closely relate to the purpose for which the land is dedicated or reserved.
- Prepare the first plan of management applicable to the land, either by amending an existing plan of management that applies to the land or adopt a new plan of management in accordance with sections 3.23 (6) & (7) of the CLM Act

On 25 February 2020 Murrumbidgee Council resolved to provide written notice to the Minister of the initial categorisation of the Crown Land pursuant to section 3.23(4) Murrumbidgee Council. The copy of the initial categorisation of Balmeringa and other land managed by Murrumbidgee Council was sent to the Department of Planning, Industry & Environment (Crown Lands) on 4 March 2020. Their response is confirmed the initial categorisation proposed.

This Plan of Management for Balmeringa, being a new plan of management for Crown Land Reserve No. 90713, is based on the initial for categorisation of the reserve as general community use, which was approved by Minister on 25 May 2020.

3.3 Other relevant legislation and statutory controls

The following is an overview of any other relevant legislation and statutory controls including the provision of relevant factors listed in an environmental planning instrument, including the provisions of the Native Title Act, 1993 (Commonwealth), Aboriginal Land Rights Act, 1983, Jerilderie Local Environmental Plan 2012 and in other council plans, strategies, policies and procedures.

3.3.1 Native Title Act, 1993

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the Native Title Act, 1993 by Council's Native Title Manager.

3.3.2 Aboriginal Land Rights Act, 1983

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Councils to claim certain Crown Land. Generally the Aboriginal Land Rights Act, 1983 is directed at allowing local Aboriginal Land Council's to claim Crown land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Strategies which allow Council to validly carry out a project or activity under the Native Title Act may not deal with project risks arising in relation to the Aboriginal Land Rights Act, 1983. Council should be mindful that any activity on Crown land is lawful in relation to the reserve purpose of the land, Council should ensure that Crown land under its control is at all times lawfully used and occupied.

When planning an activity on the land such as the issue of a lease or license or any public works, Council should request a search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered the activity must be postponed until the claim is resolved.

The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected.

3.3.3 Environmental planning & assessment act, 1979

The Environmental Planning and Assessment Act, 1979 (EP&A Act) provides the fundamental framework for which planning and development in NSW takes place, with Part 3 of the Act providing the mechanism for how environmental planning instruments are made; Part 4 relating to development assessment and consent; and Part 5 address infrastructure and environmental assessment.

3.3.3.1 State environmental planning policies

A state environmental planning policy is an environmental planning instrument made under Part 3 of the EP&A Act that guides development and land use within NSW. There are presently 38 State environmental planning policies in force, not all of which apply to the local government area of Murrumbidgee Council. Those applying to Murrumbidgee Council are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy No 65—Design Quality of Residential Apartments

It should be noted that not all these would be applied to the development within Balmeringa, as many relate to development that is inconsistent with the categorisation of the land and this plan of management. State Environmental Planning Policy (Transport and Infrastructure) 2021, State and Environmental Planning Policy (Housing) 2021 are two which most likely would require consideration when evaluating a development on the land.

3.3.3.2 Jerilderie local environmental plan 2012

Jerilderie Local Environmental Plan 2012 (JLEP) is an environmental planning instrument made under Part 3 of the EP&A Act that guides development and land use within part of the Murrumbidgee Council local government area.

Figure 2 - Zoning Map

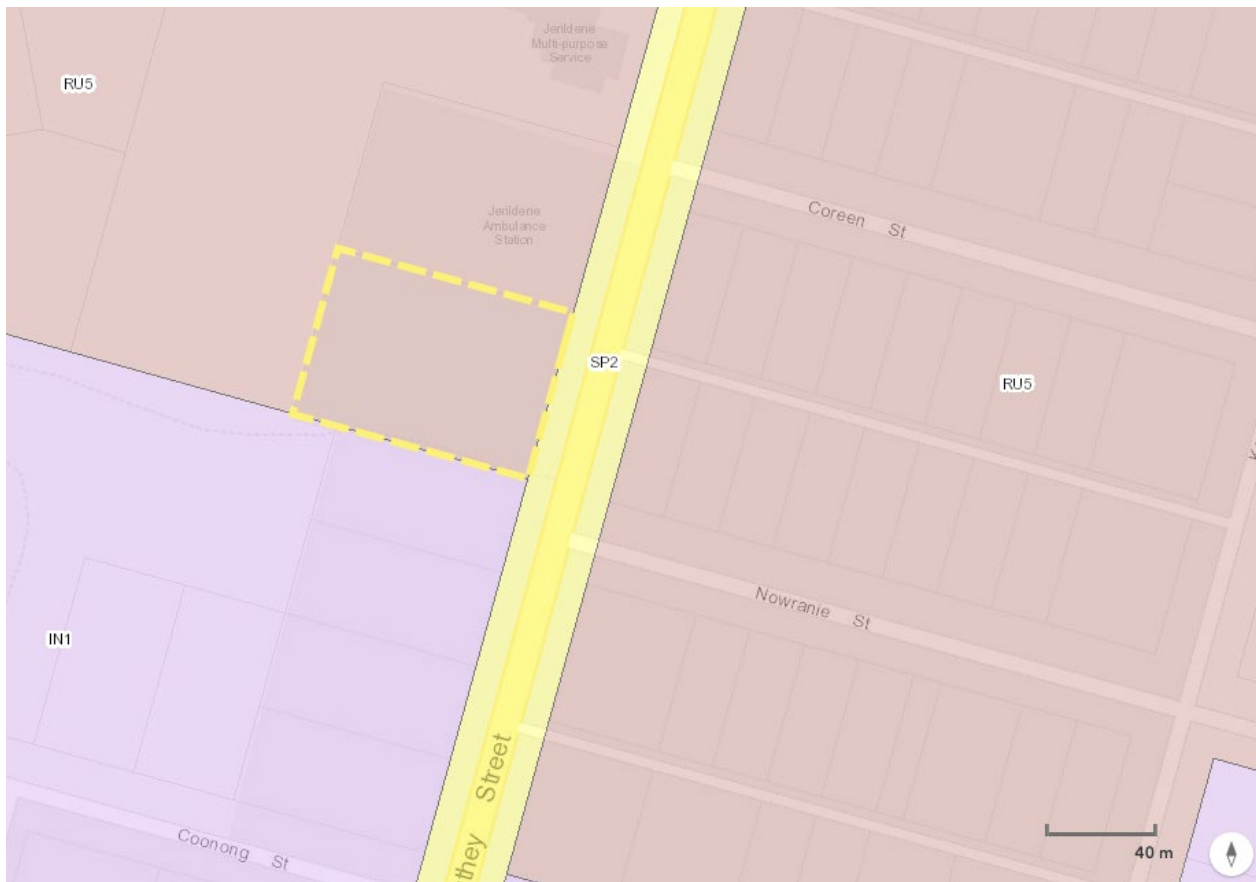


Table 4: Land zoning

Land	Local environmental plan	Zoning of land
R90713 Balmeringa Jerilderie	Jerilderie Local Environmental Plan 2012	RU5 Village

The RU5 zone is considered to be an open zone, that is one where a broad range of land uses and typically lists any number of uses, including any other development not specified in item 2 of 4, where item 2 refers to development permitted without consent and item 4 identifies development that is prohibited. Specifically, the Land Use Table in JLEP 2012 states:

2 Permitted without consent

Environmental protection works; Home-based childcare; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Centre-based childcare facilities; Community facilities; Dwelling houses; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Electricity generating works; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Jetties; Marinas; Mooring pens; Moorings; Pond-based aquaculture Rural industries; Rural workers' dwellings; Sex services premises; Waste or resource management facilities; Wharf or boating facilities

Under JLEP 2012 *seniors housing and dwelling houses* are permitted at Balmeringa.

3.3.1.3 Development Control Plan

A development control plan provides detailed planning and design guidelines to support the planning controls in a local environmental plan. Development control plans are prepared in accordance with Section 3.43 of the Environmental Planning and Assessment Act, 1979.

Murrumbidgee Council has two (2) development control plans in force, with the Jerilderie Development Control Plan 2012 (DCP) being relevant to Balmeringa. This document is published on the NSW Planning Portal and on Council's website.

3.4 Review of this plan

This Plan of Management has been prepared pursuant to the provisions of the Crown Land Management Act 2016 to provide an appropriate statutory basis for the continuing improvement and function of Balmeringa.

This Plan provides a medium-term strategy for the management and improvement of the Balmeringa. It is anticipated most of the works described will be implemented over a five to ten-year period. Priorities for works and funding are to be addressed on an annual basis to meet development priorities and community needs.

This Plan is to be reviewed approximately every five years or as required to ensure it continues to be relevant to and consistent with government legislation and policy and community expectation.

3.5 Community consultation

Murrumbidgee Council acknowledges that community participation is essential and how Council engages the community in terms of its legislative requirements and has adopted a Community Participation Plan (CPP) and a Communication Strategy. Both documents have been designed to provide the community an understanding of how to participate in planning and other matters, including the management of community land.

The level and extent of community participation will vary depending on the community, the nature of the proposal under consideration and potential impacts of the decision. As a minimum, the CPP and Communication Strategy demand that its statutory obligations are properly met. In this respect Section 38 of the LG Act requires:

- (1) Council must give public notice of a draft plan of management.*
- (2) The period of public exhibition of the draft plan must be not less than 28 days.*
- (3) The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to Council.*
- (4) Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.*

In accordance with section 39 of the LG Act Council must, before giving public notice of the draft plan of management forward a copy of the draft to the Crown, as Council is not the owner of the land.

With regard to the provisions of sections 38 and 39 of the LG Act, Council resolved on 22 August 2023 to adopt the draft plan of management and to:

- Provide the landowner with a copy of the draft PoM.
- Place the draft PoM on public exhibition for 28 days. The exhibition date commenced on 24 August 2023 and ended on 22 September 2023. The public noticed advised that submissions would be received up until 6 October 2023 which is 42 days after the commencement of the public exhibition period.

The exhibition included advertisement in local newspapers, on Council's website and documents being made available at its administration buildings in Coleambally, Darlington Point and Jerilderie.

Following consideration of submissions, Council resolved on **24 October 2023** to adopt the Plan of Management for Balmeringa.

4. Land comprising the habitat of endangered species or threatened species

The provisions of sections 36A and 36B of the Local Government Act, 1993 do not apply to Balmeringa for the following reasons:

- that no part of the reserve has been declared to be an area critical habitat under the Threatened Species Conservation Act, 1995, and
- that no part of the reserve has been declared to be an area of critical habitat under Part 7A of the Fisheries Management Act, 1994, and
- the reserve is not affected by a recovery plan for the purpose of Part 4 of the Threatened Species Conservation Act, 1995 or Division 5 of Part 7A of the Fisheries Management Act, 1994, and
- the reserve is not affected by a threat abatement plan for the purpose of Part 5 of the Threatened Species Conservation Act, 1995 or Division 5 of Part 7A of the Fisheries Management Act, 1994, and

5. Land containing significant natural features

The provisions of section 36C of the Local Government Act, 1993 does not apply to Balmeringa as the land is not subject to a resolution of Murrumbidgee Council that declared the land, being a site of:

- a known natural, geological, geomorphological, scenic or other feature that is considered by the council to warrant protection or special management considerations, or
- a wildlife corridor.

6. Culturally significant land

The provisions of section 36D of the Local Government Act, 1993 does not apply to Balmeringa as the land is not subject to a resolution of Murrumbidgee Council declaring the land, because of the presence on the land of any item the Council considers to be of Aboriginal, historical or cultural significance.

A search of the NSW Environment & Heritage Aboriginal Heritage Management Information System on 9 November 2020 indicates that:

- no Aboriginal sites are recorded in or near⁴ the above location; and

⁴ The search parameter applied was within 200m of Lot 1 DP 395229

- no Aboriginal places have been declared in or near the above location.

A copy of the AHIMS report is set out in Appendix C.

PART 2: DETAILED INFORMATION REGARDING CATEGORIES OF LAND

This Plan of Management applies to Crown Land Reserve listed in Table 5 below is owned by the state of New South Wales and Murrumbidgee Council has been appointed the Crown Land Manager. Part 2 provides detailed information regarding the general community use categorisation of the land, Murrumbidgee Council's vision for the reserve, existing site conditions and current use of the land, identification of appropriate development within the reserves and directions of how the land will be managed for and on behalf of the community.

Table 5: Reserve purpose and gazette date

Land	Purpose & Gazette date	Categorisation
R90713 Balmeringa Jerilderie	Homes for the aged 18 February 1977	General community use

7. Vision for Balmeringa

The vision for the use of Balmeringa is best described as:

“Providing residential accommodation and facilities for the elderly members of the community.”

The vision for Balmeringa aligns with Murrumbidgee Council's Statement of Vision & Priorities – Three Towns One Community that seeks to promote *“community built by an innovative mindset delivering appropriate and reliable services”*.

8. Management directions

Murrumbidgee Council acknowledges that Balmeringa provides the local community with housing opportunities for the elderly, and help maintain a connection with Jerilderie. Currently the reserve provides residential housing for the aged, and there is scope for further housing to be provided on the Crown Land and on adjoining land owned by Murrumbidgee Council. In this regard the current use of the land provides significant social benefit to the community and is in keeping with Murrumbidgee Council's vision for the land.

This section aims to provide an overview of Murrumbidgee Council's broad development and management strategies for Balmeringa. It will identify the existing condition of the land and structures on the adoption of the plan, identify existing uses of the land as well as additional matters dealing with the day-to-day management and maintenance of the reserve.

In order to realise the potential of the land and provide a greater benefit for the local community the following directions for the management of the reserve are proposed:

- To continue the current use of the land for residential purposes, one that incorporates *seniors housing*.
- To enable future development for residential development that specifically provides housing for seniors and also those with a disability.

8.1 Statutory guidelines for development of Balmeringa

The provisions of section 36(3A)(b) of the Local Government Act that apply to site specific plan of management have been considered, and are as follows:

- (i) *specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used*
- (ii) *specify the purposes for which any further development of the land will be permitted, whether under lease or license or otherwise*
- (iii) *describe the scale and intensity of any such permitted use or development.*

Balmeringa is a well maintained facility that provides the locality a venue for housing for seniors. In terms of a land use under the provision of the environmental planning instrument may fall within the broad definition as a community facility.

The provisions of both State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and (Transport and Infrastructure) 2021 (SEPP) identifies certain development that is exempt or may be carried out without consent. All other development is legislated in the relevant local environmental planning instrument as being permissible without consent, permitted with consent or otherwise is prohibited. With regard to clause 65(1)(d)(ii) of the SEPP, development for any purpose may be carried out without consent on Crown managed land by or on behalf of the Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted under the Local Government Act 1993 in relation to Crown managed land managed by a Council. Irrespective of the categorisation of the land, the provisions of clause 65(3)(a) and 66(1) allows certain development that may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council.

Table 6 identifies the zoning of the land under Jerilderie Local Environmental Plan 2012 of the reserve.

The RU5 Village zone that apply provide a range of permissible land uses, however not all are consistent with the categorization of the land. Table 6 below identifies the uses that are exempt development, permitted with or without the consent in an environmental planning instrument and Council's plan of management of Balmeringa in terms of what it will permit.

The allowed uses are consistent with the purpose of the reserve, being homes for the aged.

Table 6 - Preferred uses of land categorised as general community use

Land Use	Provisions of an environmental planning instrument	Allowed under Balmeringa Plan of Management	Reason
<i>Centre-based childcare facilities</i>	Permitted with consent under JLEP 2012.	Not allowed.	<i>Centre-based childcare facilities</i> are inconsistent with the purpose of the reserve as homes for the aged.
<i>Community facilities</i>	Permitted with consent under JLEP 2012.	Allowed only if in conjunction with the current use of the land.	Community facilities are consistent with the general community use category and if used in conjunction with the current purpose, homes for the aged, would be consistent with that purpose
<i>Dwelling house</i>	Permitted with consent under JLEP 2012.	Allowed, with the restriction that any dwelling house is used for providing accommodation for the aged.	A dwelling house is consistent with categorisation of the reserve. A dwelling house specific to providing residential accommodation for the aged is consistent with the purpose of the reserve.
<i>Environmental protection works</i>	Permitted without consent under JLEP 2012.	Allowed.	Environmental protection works are in keeping with the categorisation and purpose of the reserve.
<i>Home-based childcare</i>	Permitted without consent under JLEP 2012.	Allowed.	Home-based childcare is only permitted in conjunction with a dwelling house. On the basis that a dwelling house is consistent with the categorisation and purpose of the reserve so too is home-based childcare.

Land Use	Provisions of an environmental planning instrument	Allowed under Balmeringa Plan of Management	Reason
Home occupations	Permitted without consent under JLEP 2012.	Allowed.	Home occupations are only permitted in conjunction with a dwelling house. On the basis that a dwelling house is consistent with categorisation and purpose of the reserve so too are home occupations.
Neighbourhood Shops	Permitted with consent under JLEP 2012.	Not allowed.	Neighbourhood shops are inconsistent with the categorisation of the reserve.
Oyster aquaculture	Permitted with consent under JLEP 2012.	Not allowed.	Oyster aquaculture is inconsistent with the categorisation of the reserve.
Places of public worship	Permitted with consent under JLEP 2012.	Not allowed.	The use of the reserve as place of public worship is considered inconsistent with the categorisation and purpose of the reserve.
Respite day care centres	Permitted with consent under JLEP 2012.	Not allowed	The use as a respite day care centre would be consistent with the general community use category, however is inconsistent with the purpose of the reserve.
Roads	Permitted without consent under JLEP 2012.	Not allowed. In the event that road widening is required Council would be required to acquire the land.	The use would be inconsistent with the general community use categorization of the reserve and its purpose for public recreation.
SEPP Transport & Infrastructure	Exempt development or permitted without consent.	Allowed, subject to satisfying the requirements of clause 65 & 66 of SEPP (Infrastructure).	Identified in SEPP (Infrastructure) 2007 as exempt development or development permitted without consent.
Schools	Permitted with consent under JLEP 2012.	Not allowed.	The use of the land as school is <i>inconsistent purpose</i> of the reserve.
Tank-based aquaculture	Permitted with consent under JLEP 2012.	Not allowed	Tank based aquaculture is inconsistent with the <i>purpose and categorization</i> of the reserve.
Water reticulation systems	Permitted without consent under JLEP 2012.	Allowed.	Water reticulation systems are consistent with the categorisation of the reserve.

Land Use	Provisions of an environmental planning instrument	Allowed under Balmeringa Plan of Management	Reason
Any development <i>other</i>	Permitted with consent under JLEP 2012.	Not allowed, except for development permitted under SEPP (Housing) 2021 providing that the purpose of the reserve is met.	The open zone of the RU5 provides an opportunity for a wide range of land uses some of which may or may not be compatible with the categorisation of the land for general community uses and the purpose of the reserve for homes for the aged. Should a use be proposed that is consistent with the objectives of general community use and purpose of the reserve, then Council will consider a development application.

8.2 Use of the land and structures at the date of adoption of the plan

As this plan of management applies only to Balmeringa, the plan of management must, in accordance with section 36(3A)(a) of the LG Act include a brief outline of the current usage is reserve, including any details of current leases/licenses or other arrangements for the use of the land.

Table 7 identifies the current use of the land and existing structures that have been erected.

Table 7: Existing use of reserve and structures

Land	Current use	Existing structures
R90713 Balmeringa Jerilderie	Community facility	<ul style="list-style-type: none"> ▪ Six (6) x 2 bedroom villas ▪ Carport ▪ Clothes lines ▪ Mailbox ▪ Footpaths ▪ Driveway

The buildings and the associated equipment are consistent with development that falls under the definition of seniors housing and the land is being used for its gazetted reserve purpose. There are no current leases/licenses or other arrangements for the use of the land.

8.3 Condition of the land and structures on adoption of the plan

The provisions of Section 36(3A)(a) of the LG Act requires a plan of management to include a description of the condition of the land and structures on adoption of the plan.

At the date of adoption of the Plan of Management for Balmeringa, the existing villas and carport appeared to be structurally sound and outwardly well maintained and in good condition. Footpaths, and garden areas were very well maintained and in excellent appearance, contributing to a positive visual effect on the streetscape.

Figure 4 – Entrance to Balmeringa



Figure 5 – Existing villa



Figure 6 – Existing villas



Figure 7 – Mailboxes



8.3 Permitted use and future use

Section 36(3A)(b) of the Local Government Act requires that any site-specific plan of management must:

- (i) *specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used*
- (ii) *specify the purposes for which any further development of the land will be permitted, whether under lease or license or otherwise*
- (iii) *describe the scale and intensity of any such permitted use or development.*

Balmeringa will continue to be used in accordance with their categorization and reserve purpose and future improvements will include regular maintenance and subject to considered design the potential for additional residential accommodation in accordance with State Environmental Planning Policy (Housing) 2021.

While the future improvements may involve permanent structures being erected, there is no perceived harm as ultimately can be reversed.

The reserve is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding or bushfires.

Table 8 – Permissible uses and activities for land categorized as general community use

General Community Use	
Purpose or use as...	Development to facilitate
<p>The following purpose or uses are permitted by this Plan of Management on land categorized as a general community use.</p> <p>a) Land that is suitable for</p> <p>i. Providing affordable residential accommodation for:</p> <ul style="list-style-type: none"> ▪ Seniors ▪ Persons with a disability <p>b) Environmental protection works including tree planting and erosion control measures and landscaping commensurate to the reserve.</p>	<p>The Plan of Management will allow and facilitate development for the purposes that would benefit the social, community, and cultural welfare of the community, including:</p> <ul style="list-style-type: none"> ▪ Development for the purposes of housing for seniors and persons with a disability ▪ Water saving initiatives such as stormwater harvesting, rain gardens and swales. ▪ Energy saving initiatives such as solar lights and solar panels ▪ Locational, directional and regulatory signage

8.3.2 Balmeringa as general community use

The purpose of this section is to provide and understanding of the core objectives for community land as a general community use, identify the legislative requirements concerning the development of the land and otherwise identify key matters that set out the strategy for managing Balmeringa.

The core objectives for management of community land categorized as general community use set down in section 36I of the LG Act are as follows:

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public—

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) in relation to purposes for which a lease, license or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

8.4 Leases, licences and other estates

Leases, licenses and other estates formalise the use of community land by groups and individuals providing facilities and services for public use. Activities should be compatible with the zoning and reservation purpose of the land and provide benefits and services for facilities to the users of the land.

Occupation of the land other than by lease or license or other estate or for a permitted purpose listed in the Local Government (General) Regulation 2021 is prohibited.

The terms of the authorisation for a lease license or other estate should include Native Title assessment and validation under the Native Title Act 1993 and should include advice that the land is not subject to a claim under the Aboriginal Land Rights Act 1983. The authorisation should ensure the proper management and maintenance of the land and the interests of Council and the public are protected. A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a license or short term license or hire agreement will be issued.

This Plan of Management expressly authorises the issue of leases, licenses and other estates over the reserves covered by this Plan of Management, provided that:

- the purpose is consistent with the core objectives for the category of the land.
- the lease, license or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021.
- the issue of the lease, license or other estate and the provisions of the lease, license or other estate can be validated by the provisions of the Native Title Act 1993.
- the land is not subject to a claim under the Aboriginal Land Rights Act 1983.
- the lease, license or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021.
- the issue of the lease, license or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
- the Plan of Management expressly authorises the issue of leases/licences and other estates provided that the purpose is consistent with the purpose for which it was dedicated or reserved.

Areas held under lease, license or regular occupancy shall be maintained by the user. The user will be responsible for maintenance and outgoings as defined in the lease or license or agreement for use.

9. Administration of Plan and Performance Targets

Section 36(3) of the LG Act requires, as a minimum, for all plans of management, include the following:

- (a) category of the land
- (b) objectives and performance targets of the plan with respect to the land
- (c) means by which the council proposes to achieve the plan's objectives and performance targets
- (d) manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets.

The land has been categorised as general community use. The following table identifies the management issues; objectives and performance targets; the means in which Council will achieve the stated objectives and the manner in how the performance target is assessed.

Table 9 - Objectives and performance targets

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Access	Provide defined paths for pedestrian access, including where practical assess and facilities for people with disabilities, to and within reserve.	Appropriate design and construction for pavements, facilities and other structures to comply with relevant Australian Standards.	Assess useability of Balmeringa by wheelchair users through surveys and observation. Record and review all accidents and near misses as a result of inappropriate use.
Buildings	Maintain existing buildings to a healthy and safe standard. Allow new buildings, ancillary to the use of the park, are to complement to the design of the Balmeringa.	Undertake regular cleaning and maintenance of the buildings within Balmeringa. Assess and determine any development application in accordance with the provisions of the Environmental Planning & Assessment Act, 1979.	Undertake regular maintenance of any other Council asset within the reserve
Irrigation Systems	Allow watering systems to optimise water usage, minimise maintenance and enable appropriate vegetative growth.	Design, install and operate the system.	Number of incidents of failure of the irrigation system.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Landscaping	<p>Allow use of suitable species and use of landscape materials, including mulching and edge treatments, to achieve the desired landscape character and complement the character of existing plantings.</p> <p>Allow minor earthworks to provide mounding for aesthetic appeal, space definition and visual barriers.</p>	<p>Augment existing indigenous planting. Use exotic species in suitable locations.</p> <p>Application of correct horticultural and tree surgery techniques.</p> <p>Minimise rubbish dumping within the local area via community education.</p>	<p>Number of comments about public acceptance and level of park usage.</p> <p>Degree of turf encroachment into planted areas.</p> <p>Number of reported incidents of infestation of exotic plant species.</p> <p>Number of comments about quality of vegetation.</p> <p>Number of reported incidents of sick trees.</p>
Site Utility Services	<p>Allow for the installation of all services as required by site usage.</p>	<p>Approval by the appropriate Statutory Authorities.</p> <p>Construction and installation of all necessary services.</p> <p>Registration of appropriate easements.</p>	<p>All facilities are adequately serviced, identified and located.</p> <p>Number of objections received from service authorities about the location and quality of services.</p> <p>Number of site utility service installations constructed.</p>

APPENDICIES

APPENDIX A - Definitions

Term	Legislative definition
community facility	<p><i>means a building or place—</i></p> <ul style="list-style-type: none"><i>(a) owned or controlled by a public authority or non-profit community organisation, and</i><i>(b) used for the physical, social, cultural or intellectual development or welfare of the community,</i> <p><i>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</i></p>
community land	<p><i>means –</i></p> <p><i>land that is classified as community land under Division 1 of Part 2 of Chapter 6. (Local Government Act, 1993)</i></p>
community participation plan	<p><i>means –</i></p> <p><i>a community participation plan prepared and published under Division 2.6. (Environmental Planning and Assessment Act, 1979)</i></p>
environmental planning instrument	<p><i>means –</i></p> <p><i>an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force. (Environmental Planning and Assessment Act, 1979)</i></p> <p><i>Note. SEPP is an acronym for State Environmental Planning Policy, a LEP is a Local Environmental Plan, and a DCP is a Development Control Plan.</i></p>
plan of management	<p><i>means –</i></p> <p><i>a plan of management adopted by a council under Division 2 of Part 2 of Chapter 6 and in force in relation to an area of public land. (Local Government Act, 1993)</i></p>
public reserve	<p><i>means –</i></p> <ul style="list-style-type: none"><i>(a) a public park, or</i><i>(b) any land conveyed or transferred to the council under section 340A of the Local Government Act 1919, or</i><i>(c) any land dedicated or taken to be dedicated as a public reserve under section 340C or 340D of the Local Government Act 1919, or</i>

- (d) any land dedicated or taken to be dedicated under section 49 or 50, or
- (e) any land vested in the council, and declared to be a public reserve, under section 37AAA of the [Crown Lands Consolidation Act 1913](#), or
- (f) any land vested in the council, and declared to be a public reserve, under section 76 of the [Crown Lands Act 1989](#), or
- (g) Crown managed land that is dedicated or reserved—
 - (i) for public recreation or for a public cemetery, or
 - (ii) for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the [Crown Land Management Act 2016](#),

being Crown managed land in respect of which a council has been appointed as its Crown land manager under that Act or for which no Crown land manager has been appointed, or

- (h) land declared to be a public reserve and placed under the control of a council under section 52 of the [State Roads Act 1986](#), or
- (i) land dedicated as a public reserve and placed under the control of a council under section 159 of the [Roads Act 1993](#),

and includes a public reserve of which a council has the control under section 344 of the [Local Government Act 1919](#) or section 48, but does not include a common.

Seniors housing

means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for—

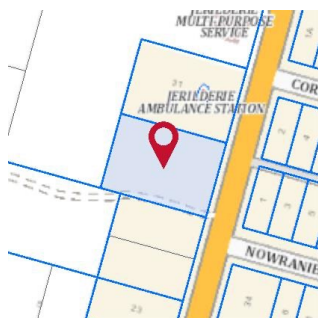
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.



Property Report

29 SOUTHEY STREET JERILDERIE 2716



Property Details

Summary of planning controls

2

Detailed planning information

State Environmental Planning Policies which apply to this property

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)

24/01/2020 10:15 AM I 821e69e2-9578-49e7-9c68-bdce43e9dafa

1 / 3



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 20-C01-MC Balmeringa

Client Service ID : 548424

Steven Parisotto
63 Hillam Dr
Griffith New South Wales 2680
Attention: Steven Parisotto
Email: parisplan@icloud.com

Date: 09 November 2020

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 215, DP:DP756426 with a Buffer of 200 meters, conducted by Steven Parisotto on 09 November 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



DEVELOPMENT CONTRIBUTIONS PLAN (Revision 2)

SECTION 7.12 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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1. Administration and operation of the plan

1.1 What is the name of this development contributions plan?

This development contributions plan is called the *Murrumbidgee Council S7.12 Development Contributions Plan 2017 (Revision 2)* (“the development contributions plan”).

1.2 Application of this development contributions plan

The development contributions plan applies to all land within the Local Government Area of Murrumbidgee Council.

1.3 When does this development contributions plan commence?

The development contributions plan commences on 25 May 2017.

1.4 The purpose of this contributions plan

The primary purpose of the development contributions plan is:

- to authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a levy pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act); and
- to assist Murrumbidgee Council (“Council”) in providing the appropriate public facilities that are required to maintain and enhance amenity and service delivery within the Murrumbidgee local government area; and
- to publicly identify the purposes for which the levies are required; and
- to ensure Council’s management of levies complies with relevant legislation, guidelines and practice notes.

1.5 When is the levy applicable?

The levy is applicable to applications for development consent and applications for complying development certificates under Part 4 of the EP&A Act, except where exempt under Section 1.7 below.

1.6 What is the levy amount?

The amount to be levied is:

- nil where the proposed cost of carrying out the development is \$100,000 or less; or
- 0.5% of the development cost where the proposed cost of carrying out the development is between \$100,000 and \$200,000; or
- 1.0% of development cost where the proposed cost of carrying out the development is more than \$200,000.

1.7 Are there any exemptions to the levy?

The following development is exempted from a levy under this development contributions plan:

- development where the proposed cost of carrying out the development is \$100,000 or less; or
- development for the purposes of a single dwelling house; or
- development for the purposes of creating disabled access; or
- affordable housing as defined by the EP&A Act; or seniors housing as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (other than self-contained dwellings forming part of seniors housing development); or

- works undertaken for charitable purposes or by a registered charity; or
- places of public worship, public hospitals and emergency services; or
- recreational facilities, community, cultural or educational facilities provided by or on behalf of the Council or another public authority; or
- development for the sole purpose of adaptive reuse of an item identified in Council's Heritage Schedule in the LEP; or
- development exempted from Local Infrastructure Contributions by way of a Direction made by the Minister for Planning under section 7.17 of the EP&A Act; or
- development, apart from subdivision, where a condition of section 7.11 of the EP&A Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

In addition, Council will not impose a levy in respect of development:

- for the sole purpose of Building Code of Australia Class 10 structures except for class 10 structures involving wind farms, frost fans; or solar panels and battery installations associated with wind farms or solar farms or battery storage facilities; or
- for which Council considers by formal ratification at a full Council meeting as an exemption. For such claims to be considered, any such development will need to include a comprehensive submission justifying the case for exemption.

1.8 Relationship with other plans and policies

The development contributions plan repeals the *Darlington Point Section 94 Plan*.

The development contributions plan supplements the provisions of the *Jerilderie Local Environmental Plan 2012*, *Murrumbidgee Local Environmental Plan 2013* and any amendment or local environmental plan/s which may supersede these plans.

Council may also levy contributions towards the provision of water and sewerage infrastructure, which are not part of this development contributions plan. Such contributions will be charged in accordance with the requirements of Section 64 of the *Local Government Act 1993* and the *Water Management Act 2000*.

1.9 Pooling of levies

The development contribution plan expressly authorises money obtained from section 7.12 levies paid for different purposes to be pooled and applied (progressively or otherwise) for the public facilities listed in the works program at Schedule 1 and in accordance with any staging set out in that Schedule.

1.10 Construction certificates and the obligation of accredited certifiers

In accordance with clause 156 of the *Environmental Planning and Assessment Regulation 2021* ("the EP&A Regulation"), a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 156(2) of the EP&A Regulation.

Failure to follow this procedure may render such a certificate invalid.

1.11 Complying development certificates and the obligations of accredited certifiers

In accordance with section 7.21(1) of the EP&A Act, a certifying authority (Council or an accredited certifier) must impose a condition requiring payment of the levy in accordance with the development contributions plan and which satisfies the following criteria:

- Pursuant to section 4.17(1) of the EP&A Act and the development contributions plan, a levy calculated in accordance with Section 1.12 below.
- The amount to be paid is to be adjusted in accordance with Section 1.15 below.

1.12 How will the levy be calculated?

The levy will be calculated as follows:

Levy payable = L x \$C Where:

L is 0.005 where the cost of development is between \$100,001 and \$200,000 or 0.01 where the cost of development is more than \$200,000; and

\$C is the cost of carrying out the proposed development (calculated in accordance with Section 1.13 below).

1.13 How will the cost of carrying out the proposed development be calculated?

A development application or an application for complying development certificate must submit an estimated cost of development that has been calculated in accordance with clause 208 of the EP&A Regulation.

That clause provides as follows:

“208 Determination of proposed cost of development—the Act, s 7.12(5)(a)

- (1) *The proposed cost of carrying out development must be determined by the consent authority by adding up all the costs and expenses that have been or will be incurred by the applicant in carrying out the development.*
- (2) *The costs of carrying out development include the costs of, and costs incidental to, the following—*
 - (a) *if the development involves the erection of a building or the carrying out of engineering or construction work—*
 - (i) *erecting the building or carrying out the work, and*
 - (ii) *demolition, excavation and site preparation, decontamination or remediation,*
 - (b) *if the development involves a change of use of land—doing anything necessary to enable the use of the land to be changed,*
 - (c) *if the development involves the subdivision of land—preparing, executing and registering—*
 - (i) *the plan of subdivision, and*
 - (ii) *the related covenants, easements or other rights.*
- (3) *In determining the proposed cost, a consent authority may consider an estimate of the proposed cost that is prepared by a person, or a person of a class, approved by the consent authority to provide the estimate.*

- (4) *The following costs and expenses must not be included in an estimate or determination of the proposed cost—*
- (a) *the cost of the land on which the development will be carried out,*
 - (b) *the costs of repairs to a building or works on the land that will be kept in connection with the development,*
 - (c) *the costs associated with marketing or financing the development, including interest on loans,*
 - (d) *the costs associated with legal work carried out, or to be carried out, in connection with the development,*
 - (e) *project management costs associated with the development,*
 - (f) *the cost of building insurance for the development,*
 - (g) *the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land,*
 - (h) *the costs of commercial stock inventory,*
 - (i) *the taxes, levies or charges, excluding GST, paid or payable in connection with the development by or under a law,*
 - (j) *the costs of enabling access by people with disability to the development,*
 - (k) *the costs of energy and water efficiency measures associated with the development,*
 - (l) *the costs of development that is provided as affordable housing,*
 - (m) *the costs of development that is the adaptive reuse of a heritage item.*
- (5) *The proposed cost may be adjusted before payment of a development levy, as specified in a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.*

Example—

A contributions plan may adopt the Consumer Price Index.

- (6) *To avoid doubt, this section does not affect the determination of the fee payable for a development application.”*

Without limitation to the above, Council may review the estimated cost of development and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant.

1.14 When is the levy payable?

A levy must be paid to Council at the time specified in the condition on the development consent that imposes the levy. If no such time is specified, the levy must be paid prior to the issue of a construction certificate or complying development certificate.

1.15 How will the levy be adjusted?

Levies required as a condition of consent under the provisions of the development contributions plan will be adjusted at the time of payment in accordance with the following formula:

Levy at time of payment = \$L + \$A Where:

\$L is the original levy as set out in the consent condition; and **\$A** is the adjustment amount which is:

$\$L \times (\text{Current Index} - \text{Base Index})$

Base Index

where:

the **Current Index** is the most recent quarterly Consumer Price Index for Sydney as published by the Australian Bureau of Statistics (Ref:6401.0) at the time the levy is paid; and the **Base Index** is the quarterly Consumer Price Index for Sydney as published by the Australian Bureau of Statistics (Ref:6401.0) for the period immediately prior to the date of the development consent.

Note: In the event that the Current Index is less than the Base Index, the contribution payable shall be that stated in the consent condition.

1.16 Can deferred or periodic payments be made?

Council does not allow deferred or periodic payment of levies authorised by the development contributions plan.

1.17 Refunds of levies

Council's policy is that there are generally no refunds of section 7.12 levy payments made under the development contributions plan.

Should someone seek a refund of levies, a formal request must be made in writing to Council outlining the reasons for the requested refund.

1.18 Savings and transitional provisions

A development application which has been submitted prior to the adoption of the development contributions plan but not yet determined shall be determined in accordance with the provisions of the plan which applied at the date of making the application.

1.19 Accountability and access to information

Council is required to comply with a range of financial accountability and public access to information requirements in relation to community infrastructure contributions. These are addressed in Divisions 4 of Part 9 of the EP&A Regulation and include:

- maintenance of, and public access to, a levies register;
- maintenance of, and public access to, accounting records for contributions receipts and expenditure;
- annual financial reporting of levies; and
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at the Council's administration office.

2. Expected development and demand for public facilities

The relationship between expected development and the demand for public facilities is established through:

- population growth in parts of the local government area;
- the future population will require the provision of additional public facilities; and
- the future population will diminish the existing population's enjoyment and standards of public facilities unless additional facilities are provided.

Council is committed to providing the equitable distribution of public facilities for the benefit and well-being of all residents. Council's works program (Schedule 1) identifies the public amenities or services to be provided, recouped, extended or augmented by contribution monies derived by this plan.

This development contributions plan applies to all land within the local government area of Murrumbidgee. The levies will be used towards meeting the cost of provision or augmentation of public facilities that have been or will be provided across the entire local government area in accordance with the works program (Schedule 1).

Department of Planning (DoP) Circular PS 05-003 states that: there does not have to be a connection between the subject of the levy and the object any monies derived are spent on.

Accordingly, monies derived by this plan may be used to embellish public facilities in a location remote from that which the levy was derived (e.g. in another town).

3. Works Program

The works program (Schedule 1) identifies the public facilities for which section 7.12 levies under the EP&A Act will be required.

Levies paid to Council under a condition authorised by the development contributions plan will be applied towards meeting the cost of provision or augmentation of public facilities that have been or will be provided. Schedule 1 provides a summary of public facilities, which have been or will be provided by Council over the next five years, as well as the estimated cost of provision and timing.

4. References

The following reference documents have been utilised in the preparation of the development contributions plan:

- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2021
- Department of Planning Circular PS 05-003 - Changes to the Development Contributions System in NSW - June 2004
- Murrumbidgee Local Environmental Plan 2013
- Jerilderie Local Environmental Plan 2012

Dictionary

In this plan, unless the context or subject matter otherwise indicates or requires, the following definitions apply:

Council means Murrumbidgee Council

Development Contributions Plan means:

- *Murrumbidgee Council S7.12*
- *Development Contributions Plan 2017*

EP&A Act means the *Environmental Planning and Assessment Act 1979*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*

Levy means a financial contribution under section 7.12 of the EP&A Act authorised by the development contributions plan

Public Facility means a public amenity or public service

Schedule 1 – Works Program

Public facilities to be funded/embellished through S7.12 levies are listed in the following Schedule.

ITEM NO.	DESCRIPTION	ESTIMATED COST	ESTIMATED TIME FRAME	PRIORITY
COMMUNITY FACILITIES				
1	Hall upgrade works as required	\$450,000	2023-2026	Low
2	Upgrades to parks as required	\$35,000	2023-2026	Low
3	Upgrade works to sports grounds, heritage and cultural precincts, as required	\$1,500,000	2023-2026	Medium
4	Town Medical Centres	\$5,000,000	2023-2024	High
5	Pre-schools	\$3,500,000	2023-2024	High
6	Critical worker housing	\$10,000,000	2023-2027	High
ROAD WORKS				
1	Works on Council regulated roads as determined by Council as medium priority	\$1,500,000	2023-2026	Medium



Draft Data Breach Policy

	Name	Position	Signature	Date
Responsible Officer	Sue Mitchell	Manager Corporate & Community Services		
Authorised By	John Scarce	General Manager		

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November 2023

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1. Introduction

Amendments to the *Privacy and Personal Information Protection Act 1998* (PPIP Act) impact the responsibilities of agencies under the PPIP Act, and require agencies to provide notifications to affected individuals in the event of an eligible data breach of their personal or health information by a NSW public sector agency or state-owned corporation subject to the PPIP Act.

This policy provides guidance for responding to a breach of Murrumbidgee Council held data.

This policy sets out the Council procedures for managing a data breach, including the considerations around notifying persons whose privacy may be affected by the breach.

Effective breach management, including notification where warranted, assists Murrumbidgee Council in avoiding or reducing possible harm to both the affected individuals/organisations and the Council, and may prevent future breaches.

The General Manager has overall responsibility for implementation of Murrumbidgee Council corporate policies.

2. Scope

This policy applies to all staff and contractors of Murrumbidgee Council. This includes temporary and casual staff, private contractors and consultants engaged by Council to perform the role of a public official.

This policy will apply from the date of adoption.

3. Purpose

The purpose of this policy is to provide guidance to staff in responding to a breach of Council held data, especially personal information.

This policy sets out the procedures for managing a data breach, including the considerations around notifying persons whose privacy may be affected by the breach and sets out the procedures for managing a data breach, including:

- providing examples of situations considered to constitute a data breach
- the steps involved in responding to a data breach
- the considerations around notifying persons whose privacy may be affected by the breach
- template correspondence for notifying persons whose privacy may be affected by the breach.

Effective breach management, including notification where warranted, assists Council in avoiding or reducing possible harm to both the affected individuals/organisations and the Council, and may prevent future breaches.

4. What is a data breach?

A data breach occurs when there is a failure that has caused, or has the potential to cause, unauthorised access to Murrumbidgee Council data, such as:

- accidental loss or theft of classified material data or equipment on which such data is stored (e.g. loss of paper record, laptop, tablet or mobile phone, compact disk or USB stick)
- unauthorised use, access to or modification of data or information systems (e.g. sharing of user login details (deliberately or accidentally) to gain unauthorised access or make unauthorised changes to data or information systems)
- unauthorised disclosure of classified material or personal information (e.g. email sent to an incorrect recipient or document posted to an incorrect address or addressee), or personal information posted on to the Murrumbidgee Council website without consent
- compromised user account (e.g. accidental disclosure of user login details through phishing)
- failed or successful attempts to gain unauthorised access to Murrumbidgee Council information or information systems
- equipment failure
- malware infection
- disruption to or denial of IT services

A data breach most commonly, but not exclusively, results in unauthorised access to, or the unauthorised collection, use, or disclosure of, personal information.

5. Responding to a data breach

The Murrumbidgee Council Public Officer, or General Manager nominee, must be informed of any data breach to ensure the application of this policy and advice to the General Manager/Information Commissioner to assist in responding to enquiries made by the public, and managing any complaints that may be received as a result of the breach.

The changes to the PPIP Act include:

- creating a Mandatory Notification of Data Breach (MNDB) Scheme which will require public sector agencies bound by the PPIP Act to notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm
- applying the PPIP Act to all NSW state-owned corporations that are not regulated by the Commonwealth *Privacy Act 1988*
- repealing s117C of the *Fines Act 1996* to ensure that all NSW public sector agencies are regulated by the same mandatory notification scheme.

Agencies are required to comply with the mandatory notification provisions under Part 6A of the PPIP Act.

Under the MNDB Scheme, agencies have an obligation to:

- immediately make all reasonable efforts to contain a data breach
- undertake an assessment within 30 days where there are reasonable grounds to suspect there may have been an eligible data breach
- during the assessment period, make all reasonable attempts to mitigate the harm done by the suspected breach
- decide whether a breach is an eligible data breach or there are reasonable grounds to believe the breach is an eligible data breach
- notify the Privacy Commissioner and affected individuals of the eligible data breach
- comply with other data management requirements.

There are four key steps required in responding to a data breach:

1. Contain the breach
2. Evaluate the associated risks
3. Consider notifying affected individuals
4. Prevent a repeat.

Each step is set out in further detail below. The first three steps should be carried out concurrently where possible. The last step provides recommendations for longer-term solutions and prevention strategies.

The Manager Corporate and Community Service and/or its service providers support Murrumbidgee Council in the supply and maintenance of its IT systems. The Manager or General Manager nominee will coordinate with the service providers to address and respond to identified data breaches related to its IT systems.

5.1 Step one: Contain a breach

All necessary steps possible must be taken to contain the breach and minimise any resulting damage. For example, recover the personal information, shut down the system that has been breached, suspend the activity that lead to the breach, revoke or change access codes or passwords.

If a third party is in possession of the data and declines to return it, it may be necessary for Murrumbidgee Council to seek legal or other advice on what action can be taken to recover the data. When recovering data, Council will make sure that copies have not been made by a third party or, if they have, that all copies are recovered.

5.2 Step two: Evaluate the associated risks

To determine what other steps are needed, an assessment of the type of data involved in the breach and the risks associated with the breach will be undertaken.

Some types of data are more likely to cause harm if compromised. For example personal information, health information, and security classified information will be more significant than names and email addresses on a newsletter subscription list.

A combination of data will typically create a greater potential for harm than a single piece of data (for example an address, date of birth and bank account details, if combined, could be used for identity theft).

Factors to consider include:

- Who is affected by the breach? The Murrumbidgee Council assessment will include reviewing whether individuals and organisations have been affected by the breach, how many individuals and organisations have been affected and whether any of the individuals have personal circumstances which may put them at particular risk of harm.
- What was the cause of the breach? The Murrumbidgee Council assessment will include reviewing whether the breach occurred as part of a targeted attack or through inadvertent oversight. Was it a one-off incident, has it occurred previously, or does it expose a more systemic vulnerability? What steps have been taken to contain the breach? Has the data or personal information been recovered? Is the data or personal information encrypted or otherwise not readily accessible?
- What is the foreseeable harm to the affected individuals/organisations? The Murrumbidgee Council assessment will include reviewing what possible use there is for the data or personal information. This involves considering the type of data in issue (such as health information, personal information) subject to special restrictions under s.19(1) of the *Privacy and Personal Information Protection Act 1998* (PPIP Act) if it could be used for identity theft, or lead to threats to physical safety, financial loss, or damage to reputation. Who is in receipt of the data? What is the risk of further access, use or disclosure, including via media or online? If case-related, does it risk embarrassment or harm to a client and/or damage the Murrumbidgee Council's reputation?

5.3 Step 3: Consider notifying affected individuals/organisations

If, during assessment of the breach, it is decided that it is an eligible data breach or there are reasonable grounds to believe the breach is an eligible data breach, affected individuals/organisations will be notified.

Murrumbidgee Council recognises that notification to individuals/organisations affected by a data breach can assist in mitigating any damage for those affected individuals/organisations and is consistent with the Council's regulatory role. Notification demonstrates a commitment to open and transparent governance, consistent with the Council's approach.

Accordingly, Murrumbidgee Council adopts a relatively lower threshold in considering whether to notify individuals of the release or risk to the security of their personal information and will generally make such a notification. The Council will also have regard to the impact upon individuals in recognition of the need to balance the harm and distress caused through notification against the potential harm that may result from the breach. There are occasions where notification can be counterproductive. For example, information collected may be less sensitive and notifying individuals about a privacy breach which is unlikely to result in an adverse outcome for the individual may

cause unnecessary anxiety and de-sensitise individuals to a significant privacy breach.

Factors the Council will consider when deciding whether notification is appropriate include:

- Are there any applicable legislative provisions or contractual obligations that require Council to notify affected individuals?
- What type of information is involved?
- What is the risk of harm to the individual/organisation?
- Is this a repeated and/or systemic issue?
- What risks are presented by the mode of the breach e.g. is it encrypted information or contained in a less secure platform e.g. email?
- Does the breach relate to casework functions and include case-related material flowing from the exercise of our regulatory functions?
- What steps has Council taken to date to avoid or remedy any actual or potential harm?
- What is the ability of the individual/organisation to take further steps to avoid or remedy harm?
- Even if the individual/organisation would not be able to take steps to rectify the situation, is the information that has been compromised sensitive, or likely to cause humiliation or embarrassment for the individual/organisation?

Notification should be done promptly to help to avoid or lessen the damage by enabling the individual/organisation to take steps to protect themselves.

The method of notifying affected individuals/organisations will depend in large part on the type and scale of the breach, as well as immediately practical issues such as having contact details for the affected individuals/organisations. Considerations include the following.

5.3.1 When to notify

In general, individuals/organisations affected by the breach should be notified as soon as practicable. Circumstances where it may be appropriate to delay notification include where notification would compromise an investigation into the cause of the breach or reveal a software vulnerability.

5.3.2 How to notify

Affected individuals/organisations should be notified directly – by telephone, letter, email or in person. Indirect notification – such as information posted on Murrumbidgee Council's website, a public notice in a newspaper, or a media release – should generally only occur where the contact information of affected individuals/organisations are unknown, or where direct notification is prohibitively expensive or could cause further harm.

5.3.3 What to say

The notification advice will be tailored to the circumstances of the particular breach. Content of a notification could include:

- information about the breach, including when it happened
- a description of what data or personal information has been disclosed
- assurances (as appropriate) about what data has not been disclosed
- what Council is doing to control or reduce the harm
- what steps the person/organisation can take to further protect themselves and what Council will do to assist people with this
- contact details for Council for questions or requests for information
- the right to lodge a privacy complaint with the Privacy Commissioner. The template at Appendix A will form the basis of this action.

5.4 Step four: Prevent a repeat

Murrumbidgee Council will further investigate the circumstances of the breach to determine all relevant causes and consider what short or long-term measures could be taken to prevent any reoccurrence.

Preventative actions could include a:

- security audit of both physical and technical security controls
- review of policies and procedures
- review of staff/contractor training practices
- review of contractual obligations with contracted service providers.

5.5 Reporting Breach to General Manager

The template at Appendix B will be used for reporting on the investigation of the breach and authorising actions in response. The Public Officer will prepare a report using the template and provide to the General Manager who will review the proposed actions and recommendations of the report and approve.

The Public Officer will be responsible for the implementation of proposed actions and recommendations.

5.6 Notifying the Privacy Commissioner

If, during assessment of the breach, it is decided that it is an eligible data breach or there are reasonable grounds to believe the breach is an eligible data breach, the NSW Privacy Commissioner will be notified of the breach where personal information has been disclosed and there are risks to the privacy of individuals. In doing so Council will ensure that relevant evidence is contained securely for access by the Privacy Commissioner should regulatory action be considered appropriate.

Such notification will:

- demonstrate to the affected individuals and broader public that Council views the protection of personal information as an important and serious matter and may therefore maintain public confidence in Council.
- facilitate full, timely and effective handling of any complaints made to the Privacy Commissioner in regard to the breach, and thus assist those whose privacy has been breached.

Notification should contain similar content to that provided to individuals/organisations. The personal information about the affected individuals is not required. It may be appropriate to include:

- a description of the breach
- the type of personal information involved in the breach
- what response Council has made to the breach
- what assistance has been offered to affected individuals
- the name and contact details of the appropriate contact person
- whether the breach has been notified to other external contact(s).

5.7 Recording of Data Breaches

An agency is required under section 59ZE to establish and maintain an internal register of eligible data breaches. This register should record the information specified under section 59ZE(2).

Agencies are required to maintain a public notification register of any notifications made under section 59N(2). The information recorded in the register must be publicly available for at least 12 months after the date of publication and include the information specified under section 59O.

6. Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

Appendices

Appendix A

TEMPLATE CORRESPONDENCE

Dear [name]

I am writing to you with important information about a recent data breach involving your personal information / information about your organisation. The Information and Privacy Commission became aware of this breach on [date].

- A brief description of what happened.
- Description of the data that was inappropriately accessed, collected, used or disclosed.
- Risk(s) to the individual/organisation caused by the breach.
- Steps the individual/organisation should take to protect themselves from potential harm from the breach.
- A brief description of what Council is doing to investigate the breach, control or mitigate harm to individuals/organisations and to protect against further breaches.

Please call me with any questions or concerns you may have about the data breach.

We have established a section on our Council website [**insert link**] with updated information and links to resources that offer information about this data breach.

We take our role in safeguarding your data and using it in an appropriate manner very seriously. Please be assured that we are doing everything we can to rectify the situation.

Please note that under the [PPIP Act / HRIP Act / GIPA Act] you are entitled to register a complaint with the NSW Privacy Commissioner or NSW Information Commissioner/CEO with regard to this breach. Complaints may be forwarded to the following:

[insert Council details]

Should you have any questions regarding this notice or if you would like more information, please do not hesitate to contact me.

Yours faithfully,

Appendix B:

Template Report and Action

Description of data breach		Action Taken	
When –		Notification –	
What –		Containment –	
How –			
Description of risks		Action Proposed	
Risk –			
Harm –			
Affecting –			
Description of causes		Action Proposed	
How –		Change –	
Why –		Train –	
		Remind –	
		Review –	
		Stop –	
		Media –	
		Remedy –	
		Etc –	
Notification to the NSW Privacy Commissioner			
Recommendations to Prevent Reoccurrence of Breach			

Public Officer or General Manager Nominee		Date:	
General Manager/ Information Commissioner		Date:	
Approved / Not Approved / Noted			

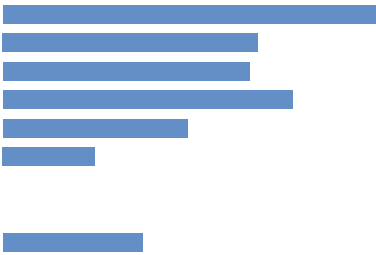
SCHEDULE OF INVESTMENTS - 30 SEPTEMBER 2023**External investments**

In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, details of Murrumbidgee Council's external investments are set out below.

Institution	Balance (\$)	Yield (p.a.)	Maturity	Term (months)	No.
IMB Ltd	773,572.06	4.65%	3/10/2023	4	29
Bendigo	3,000,000.00	4.55%	16/10/2023	5	37
Westpac	800,000.00	4.99%	23/10/2023	4	32
Bendigo	1,539,359.11	5.05%	27/10/2023	4	33
Bendigo	1,514,794.52	4.70%	30/10/2023	5	40
IMB Ltd	1,027,274.89	5.15%	17/11/2023	5	24
Bendigo	505,041.10	5.15%	20/11/2023	5	23
Westpac	505,343.56	5.13%	20/11/2023	5	41
Westpac	1,038,909.05	5.00%	21/11/2023	4	43
Bendigo	1,030,847.13	5.15%	27/11/2023	4	35
IMB Ltd	1,000,000.00	4.75%	29/11/2023	6	38
Bendigo	847,601.23	5.00%	4/12/2023	5	28
St George	1,022,057.90	4.05%	18/12/2023	9	31
Bendigo	2,065,415.53	4.95%	20/12/2023	4	45
Bendigo	1,000,000.00	5.25%	21/12/2023	5	44
NAB	3,000,000.00	5.40%	25/01/2024	7	47
Bendigo	1,000,000.00	5.35%	27/01/2024	6	36
Westpac	755,589.60	4.88%	29/01/2024	4	25
Bendigo	1,039,292.49	4.80%	29/01/2024	4	22
Suncorp - METWAY	1,622,800.28	4.80%	2/02/2024	5	34
St George	527,727.97	4.24%	3/02/2024	5	27
NAB	500,000.00	5.10%	16/02/2024	6	42
Suncorp - METWAY	1,039,273.30	5.11%	26/02/2024	6	20
Bendigo	1,246,843.24	4.45%	16/03/2024	6	21
Westpac	600,000.00	5.01%	21/03/2024	6	30
Bendigo	2,800,000.00	5.50%	28/06/2024	12	46
	<u>31,801,743</u>				

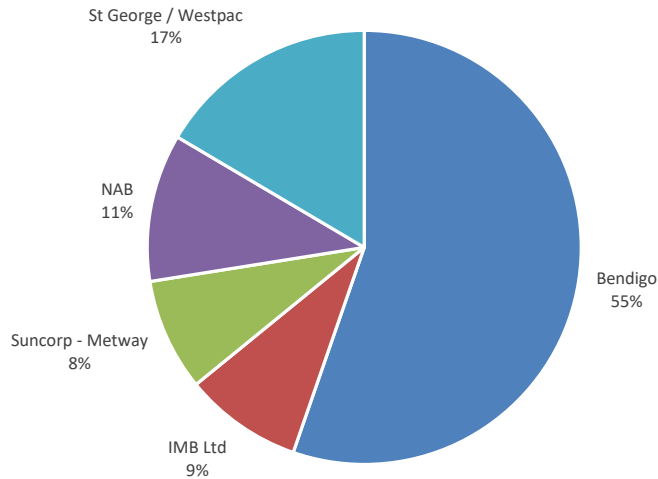
Maturity

All investments comply with the maximum duration set out for each rating category in the *Investment Policy*.

Month	\$ Funds Maturing	
September 2023	\$ -	
October 2023	\$ 7,627,726	
November 2023	\$ 5,107,416	
December 2023	\$ 4,935,075	
January 2024	\$ 5,794,882	
February 2024	\$ 3,689,802	
March 2024	\$ 1,846,843	
April 2024	\$ -	
May 2024	\$ -	
June 2024	\$ 2,800,000	
	<u>\$ 31,801,743</u>	

Counterparties to Investments

Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	17,589,194	BBB+ / A3 / A-	A	N/A	55.31%	N/A
IMB Ltd	2,800,847	- / Baa1 / BBB+	BBB	10%	8.81%	●
Suncorp - Metway	2,662,074	A+ / A1 / A	A	14%	8.37%	●
NAB	3,500,000	AA- / Aa3 / A+	A	14%	11.01%	●
St George / Westpac	5,249,628	AA- / Aa3 / A+	AA	30%	16.51%	●
	<u>31,801,743</u>				<u>100%</u>	



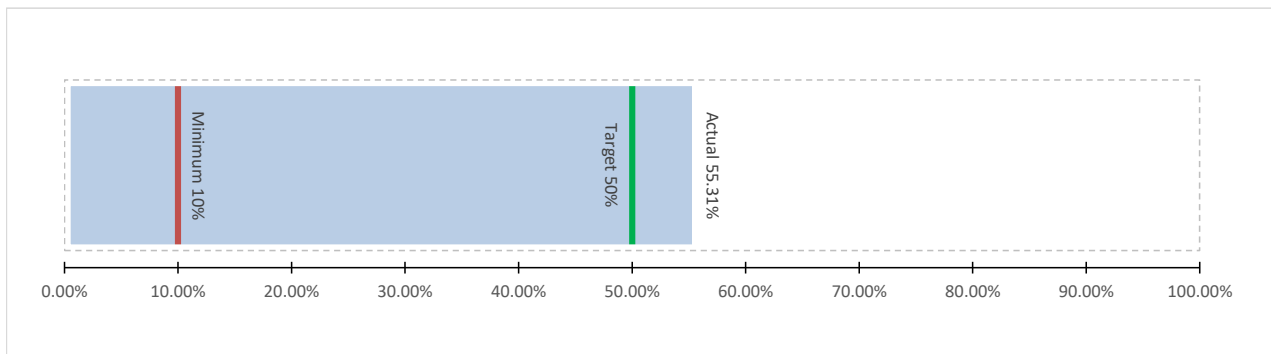
Investment with Bendigo Bank

55.31%



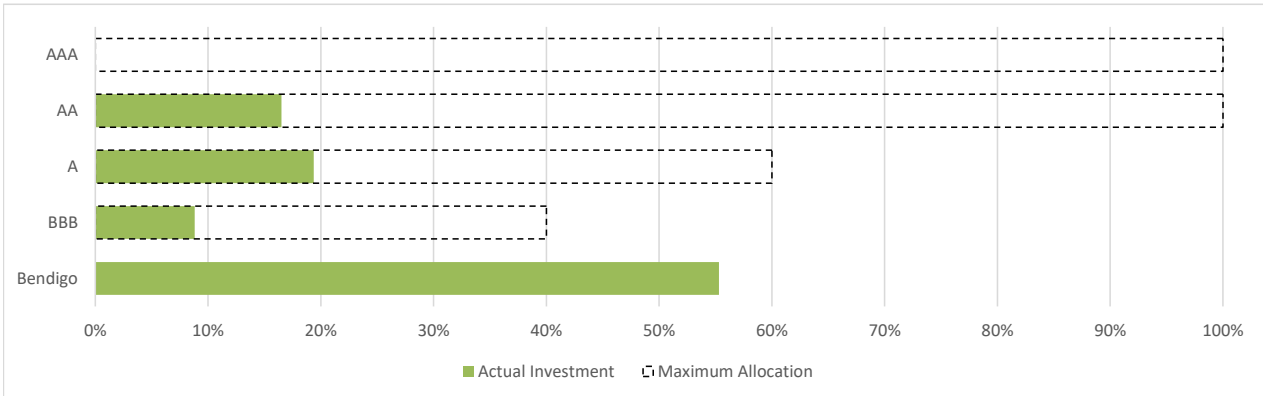
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

If, when considering a new investment, an equivalently-rated or better-rated institution is offering an interest rate 0.40% p.a. (or more) higher than Coleambally Community Bank with a comparable term to maturity, Council may invest in that institution in preference to Coleambally Community Bank, irrespective of the target set out above. However, Council will hold a minimum of 10% of its portfolio with the Coleambally Community Bank at all times.



Overall Credit Quality Limits

Credit Rating	Maximum	Balance	% Invested	Compliant
AAA	100%	\$ -	0.00%	●
AA	100%	\$ 5,249,628	16.51%	●
A	60%	\$ 6,162,074	19.38%	●
BBB	40%	\$ 2,800,847	8.81%	●
Bendigo	N/A	\$ 17,589,194	55.31%	N/A
Total		\$ 31,801,743	100%	



Monthly investment movements

Redemptions

Institution - No.	Balance (\$)	Comments
Westpac - Inv 25 Part	500,000	Cash Flow requirement
	<u>500,000</u>	

New Investments

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
	<u>0</u>			

Rollovers

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
Bendigo - Inv 22	1,039,292	4.80	4	Rollover including interest
Suncorp - Inv 34	1,622,800	4.80%	5	Rollover including interest
St George - Inv 27	527,728	4.24%	5	Rollover including interest
Bendigo - Inv 21	1,246,843	4.45%	6	Rollover including interest
Westpac Inv 30	600,000	5.01%	6	Rollover excluding interest
Westpac Inv 25	755,590	4.88%	4	Rollover part including interest
	<u>5,792,254</u>			

Investment performance

	Sep-23	FYTD
Total investment income, including accrued interest	\$150,601	\$487,684
Money-weighted rate of return (% p.a.)	5.81%	5.92%
Bloomberg AusBond Bank Bill Index	4.05%	4.32%
Overperformance/(underperformance)	1.76%	1.60%

