



**MURRAY
DEVELOPMENT CONTROL PLAN
2012**

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1. INTRODUCTION

1.1 Title

The title of this Plan is the *Murray Development Control Plan 2012* (DCP).

1.2 Land to which this DCP applies

The DCP applies to all land within the Local Government Area of Murray.

1.3 Purpose

The purpose of the DCP is:

- to reflect the objectives of the *Environmental Planning and Assessment Act 1979*;
- to implement the *Murray Shire Strategic Land Use Plan 2010-2030*;
- to assist in the administration of *Murray Local Environmental Plan 2011*; and
- to provide good planning outcomes for development in the Shire.

1.4 Operation

The DCP has been prepared in accordance with Section 74C of the *Environmental Planning and Assessment Act 1979*.

It was adopted by Council on 19/06/12 and came into effect on the 22/06/12.

1.5 Relationship with other planning instruments

The DCP should be read in conjunction with:

- the *Murray Local Environmental Plan (LEP) 2011*; and

- any relevant State Environmental Planning Policies (SEPPs).

Where there is a conflict between a provision in the DCP and one in an Environmental Planning Instrument (namely a State Environmental Planning Policy and Local Environmental Plan), the provisions of the EPI shall prevail to the extent of that inconsistency.

1.6 Structure

The DCP is made up of a number of chapters that address particular development matters. More than one chapter may be relevant to development proposals.

1.7 Application

Where a development application is required, a person shall not develop land except in accordance with the provisions of the DCP.

1.8 Variation to controls

Variations to the controls in the DCP may be considered by Council. Details as to the process of seeking a variation to a development control expressed in the DCP are detailed in each chapter.

1.9 Notes

Notes expressed in the DCP are for information purposes only and do not form a formal part of the DCP.

Record of amendments to the DCP

No.	Date commenced	Details of change
1	31/08/2012	Amended Figure 11.1 and Figure 11.2 and other related minor amendments to Chapter 11: Flood Prone Land
2	21/01/2013	Minor amendments to Sections 2.2, 2.5, 2.6 & 2.11, Chapter 3 introduction, Chapter 5 and Section 7.8
3	19/08/2014	Amendments to Sections 2.2, 2.5, 7.2, 7.8, and additional Local Aboriginal Land Council notification requirements.
4	4/09/2015	Amendments to Sections 2.5, 2.9, 2.11, 7.6, 7.8, 9, 12.
5	02/02/2016	Amendment to Chapter 6 – Moama Structure Plan

2. RESIDENTIAL DEVELOPMENT

This chapter of the DCP applies to all forms of residential development in the Shire for which a development application is required.

The overall purpose of the controls in this chapter is to create well-designed and liveable residential environments for current and future residents of the Shire.

The specific objectives of the controls are as follows:

- To provide for a variety of residential development that caters for the housing needs of local residents.
- Encourage dwelling design that has minimal impact on adjoining neighbours.
- Ensure that residential buildings offer visual interest and variety in their appearance and style.
- Make sure that new development is sympathetic with the established form of an area to ensure that neighbourhoods with distinct character are developed over time.
- Ensure that new residential development is consistent and compatible with the desired future form and density of an area.
- Encourage residential development that is respectful to the character of areas which are developed over time.

Whilst Womboota and Bunnaloo have also been zoned as villages under Murray LEP 2011, Council shall use its discretion in applying the controls to development in these small villages. Residential development within the Rich River Golf Club need only refer to the controls in 2.12.

The controls in this chapter are expressed firstly as the objective Council is seeking for residential development and secondly the development controls considered by Council to deliver these outcomes. Compliance with all development controls should result in consistency with the objective and consequently the granting of development consent (if SEPP and LEP requirements are also met). In exceptional circumstances Council may consider a variance to a development control but only where the applicant has demonstrated in writing and/or with plans that the objective can still be achieved.

The development controls are grouped under different components of residential development. Within each component there are general development controls that relate to all types of proposals as well as specific development controls for specific types of residential development. The specific types of residential development are:

- **Higher density** being generally but not exclusively groups of two or more dwellings on a single lot (regardless of lot size) or single dwellings on small lots (<450m²).
- **Average density** being generally but not exclusively single detached dwellings located on urban sized lots (450m² to 1500m²). The majority of residential development undertaken in the Shire is within this category.
- **Lower density** being generally but not exclusively single dwellings on larger lots (>1500m²).
- **Rural** being generally but not exclusively dwellings within the Primary Production (RU1) and Environmental Management (E3) zones.
- **Other** being generally dwellings but not exclusively such as 'shop top' housing and caretakers dwellings.

In applying the development controls to a particular development proposal, both the general and specific development controls to that particular type of development are applicable. Where there is conflict between a general and a specific development control, the specific development control shall apply to the extent of the inconsistency.

It is important to note that dwellings compliant with the controls expressed in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* ("the Codes SEPP") can be approved as 'complying development' and are exempt from the provisions of the DCP. Any proposed dwelling not compliant with the Codes SEPP will require a development application and be subject to the provisions of the DCP.

2.1 Neighbourhood character

Objectives

- Provide for a mix of compatible dwelling types.
- Create aesthetically pleasing residential neighbourhoods.
- Residential areas providing high levels of amenity.
- Encourage higher density housing to be located in close proximity of town centres.
- Maintain a lower density residential character outside of the immediate town centres.
- Ensure a transition in density from lower to higher density residential areas.
- Maintain the character of existing average and lower density residential neighbourhoods in Moama.

Controls

General

- The design of residential development is to suit the existing scale, density, setbacks and character of the neighbourhood.

Higher density

- High density residential development should be located in proximity to public open space areas, public transport routes and commercial centres.
- Council will consider any proposal for higher density residential development outside of the area depicted in Figure 2.1 as inconsistent with the objectives for neighbourhood character.
- Council will consider any proposal for higher density residential development on land zoned R1 or RU5 that adjoins land zoned R2 or R5 as inconsistent with the objectives for neighbourhood character.

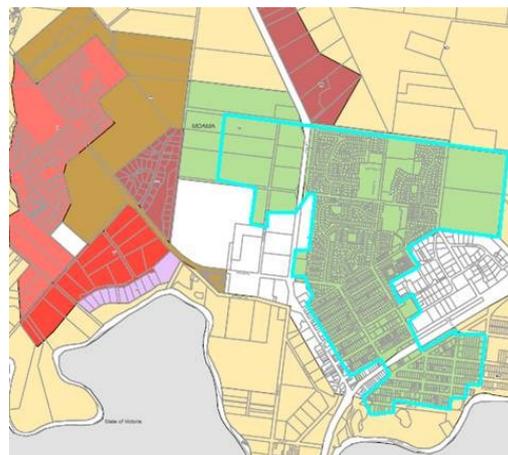


Figure 2.1 – Preferred area for higher density housing in Moama (blue outline)

2.2 Streetscape

Objectives

- Residential design that makes a positive contribution to the streetscape.
- The provision of passive surveillance to the street.
- The integration of new development into the streetscape and neighbourhood.

Controls

General

- Dwellings are to ‘face’ the primary street frontage.
- The rear or service areas of a dwelling (bathrooms, laundry, etc.) shall not face the primary street frontage.
- Fences to street frontages are to be designed to complement the character of the area. Fences should be low (less than 1.2 metres in height) or if taller, provided with openings. Solid fences taller than 1.2 metres will fail the objective for streetscape and therefore are unlikely to be supported (see Figure 2.2).
- Bulk and scale should be kept in a



Unsuitable front fencing

Objectives**Controls**

compatible size with the existing or likely development in the residential precinct. Varying the pitch of the roof and angles of eaves and inserting parapet features is encouraged.

- High quality materials and finishes should be used for residential building exteriors as well as any fences constructed as part of the development.
- Retain existing trees in the streetscape.
- Retain and enhance heritage items where they make a positive contribution to the streetscape.
- Garages are to be designed to minimise the visual dominance on the streetscape of garage doors.

Higher density

- Residential flat buildings are to be designed in accordance with the requirements of *SEPP 65 – Design Quality of Residential Flat Development*.

**Preferred front fencing****Figure 2.2 –Front fencing characteristics****2.3 Landscaping****Objectives**

- *Front landscaping that contributes to an attractive streetscape.*
- *Enhancement of the natural environment.*
- *Reduction in stormwater run-off from allotments.*
- *Landscaping that contributes to the solar efficiency of the dwelling.*

Controls**General**

- At least 15% of the entire lot area is to remain penetrable to water.
- Existing mature trees should be incorporated in the development where possible.
- Where ever possible native plant species are to be utilised in landscaping with preference given to drought tolerant species.
- Deciduous species of trees to be used in open space located on the northern side of living areas.

Higher density

- A landscaping plan detailing the site features, hardstand areas, number and type of plant species and planting locations is to be submitted to the Council's satisfaction prior to the issue of the Construction Certificate.

2.4 Private open space

Objectives

- A private outdoor space for residents.
- Practical and useable outdoor areas for residents.
- Outdoor areas that enhance residential amenity.
- Private outdoor areas to maximise solar access.

Controls

General

- Private open space (i.e. space that is not visible at ground level from a public place or adjoining property) is to be provided at the rate of 30m² per dwelling with a minimum width of 3 metres.
- The principal private open space area must receive a minimum of three hours direct sunlight between 9am and 3pm at the Winter Solstice.
- The principal private open space is to be in close proximity to the main living area of the dwelling.

Higher density

- Private open space in the form of a balcony is to be provided at a rate of 8m² per dwelling with a minimum width of two metres for units that have no ground floor access from the living areas of the unit.
- Private open space (i.e. space that is not visible at ground level from a public place or adjoining property) is to be provided at the rate of 20m² per dwelling with a minimum width of 3metres.



Figure 2.3 – Private open space should relate to principal living areas

2.5 Building setbacks

Objectives

- Attractive streetscapes through consistency in front building setbacks.
- The maintenance of existing character in residential areas (e.g. average density, lower density, etc.).
- Adequate separation between dwellings through side setbacks.

Controls

General

- An articulation zone is permitted in front of the building line to the primary road for a distance of 1 metre from the foremost edge of the building line and for 25 per cent of the overall building width. The articulation zone allows for building elements, such as porticos, awnings and the like where necessary or which enhance the quality of the building and/or contribute to the visual quality of the streetscape.
- In these controls, setbacks are measured to the *building line* which means the line of an existing or proposed external wall (other than a wall or roof of any building element within an articulation zone) of a dwelling house, closest to a boundary of a lot.

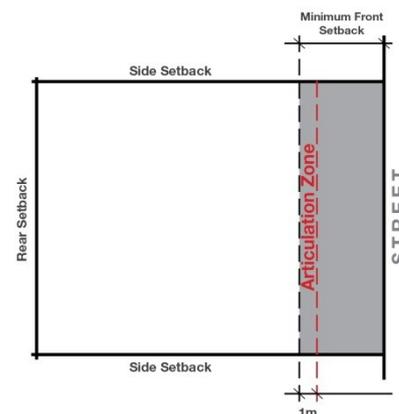


Figure 2.5 –Control lot setbacks

Objectives

Controls

- In these controls the term ‘adjoining’ is considered to mean the nearest 2 dwelling houses having a boundary with the same primary road and located within 40m of the lot on which the dwelling house is to be erected
- *outbuilding* means any of the following:
 - (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
 - (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
 - (c) carport that is detached from a dwelling house,
 - (d) farm building,
 - (e) garage that is detached from a dwelling house,
 - (f) rainwater tank (above ground) that is detached from a dwelling house,
 - (g) shade structure that is detached from a dwelling house,
 - (h) shed.

Setbacks from a primary road

This section applies to R1, R2, R5, RU5 and E3 zoned land ;

Dwelling houses

A dwelling house on a lot must have a setback from the boundary with a primary road of at least:

- (a) the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is to be erected, or
- (b) if 2 dwelling houses are not located within 40m of the lot:
 - (i) if the lot has an area of not more than 450m² — 3m, or
 - (ii) if the lot has an area of more than 450m² but not more than 1000m² — 4.5m, or
 - (iii) if the lot has an area of more than 1000m² but not more than 1500m² — 6.5m, or
 - (iv) if the lot has an area of more than

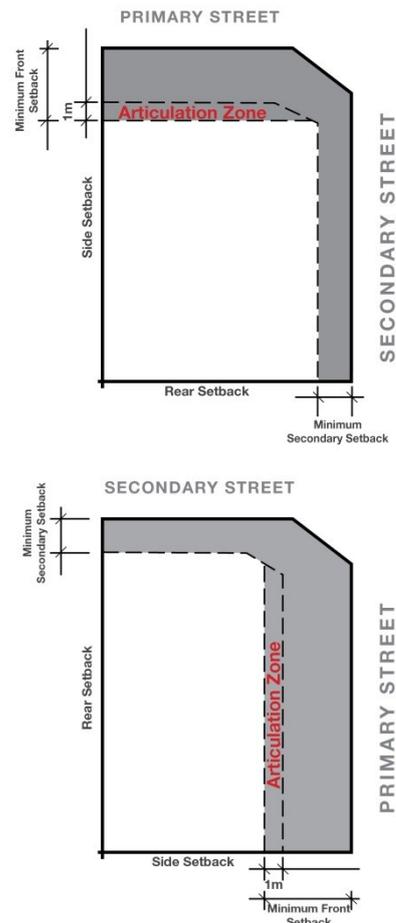


Figure 2.6 –Corner lot setbacks

Objectives**Controls**

1500m² but not more than 1800m² —

8.5m, or

- (v) if the lot has an area of more than 1800m² — 10m.

Garages should not extend forward of the front building line for lots less than 1500m². Where the front building setback is less than 6.5m, any garage must be setback a minimum of 1 metre behind the building setback. (see Figure 2.7)

Outbuildings

Outbuildings proposed to be located forward of the building line facing a primary road will generally not be supported without suitable justification. Applications of this nature will be assessed on their merits.

This section applies to RU1 zoned land;

Dwelling houses and outbuildings

Minimum setback for dwellings and outbuildings is 10m.

Setbacks from secondary road

This section applies to R1, R2, R5, RU5, E3 zoned land;

Dwelling houses and outbuildings

A dwelling house and outbuildings (i.e. detached carports, detached sheds) on a lot must have a setback from a boundary with a secondary road of at least the following:

- (i) if the lot has an area of not more than 450m² — 2m, or
- (ii) if the lot has an area of more than 450m² but not more than 1000m² — 3m, or
- (iii) if the lot has an area of more than 1000m² but not more than 1800m² — 3.5m, or
- (iv) if the lot has an area of more than 1800m² but not more than 4000 — 4m, or
- (v) if the lot has an area of more than 4000m² — 5m

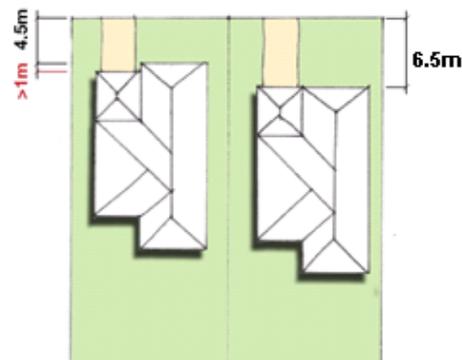


Figure 2.7 – Garage setbacks for Average and Higher Density

Objectives

Controls

This section applies to RU1 zoned land;

Dwelling houses and outbuildings

Minimum setback for dwellings and outbuildings is 10m.

Setbacks from side and rear boundaries

This section applies to R1, R2, R5, RU5, E3 zoned land;

Dwelling houses

A dwelling house on a lot must have a setback from side and rear boundaries of at least the following:

- (i) if the lot has an area of not more than 1800m² — comply with the standards detailed in the *Building Code of Australia*, or
- (ii) if the lot has an area of more than 1800m² but not more than 4000m² — 3m for side setback and 5m for rear setback, or
- (iii) if the lot has an area of more than 4000m² — 5m for side setback and 10m for rear setback.
- (iv) Despite the provisions of (i) (ii) and (iii), dwellings must be setback from the bank of a lake or dam (e.g. ornamental lakes at Perricoota Run, Kilkerrin Lakes Estate or the like) by the following
 - if the lot has an area of not more than 4000m² — 15m,
 - if the lot has an area greater than 4000m² — 20m.

Outbuildings

An outbuilding on a lot must have a setback from side and rear boundaries of at least the following:

- (i) if the lot has an area of not more than 1800m² — comply with the standards detailed in the *Building Code of Australia*.
- (ii) if the lot has an area of more than 1800m² but not more than 4000m² —

Objectives**Controls**

3m for side setback and 3m for rear setback, or

- (iii) if the lot has an area of more than 4000m² — 5m for side setback and 5m for rear setback.

Swimming Pools

Swimming pools should be located in the rear yard or behind the building line to the primary setback. A swimming pool on a lot must have a setback from side and rear boundaries of at least the following:

- (i) if the lot has an area of not more than 1800m² — comply with the standards detailed in the *Building Code of Australia*.
- (ii) if the lot has an area of more than 1800m² — 3m for side setback and 3m for rear setback.

This section applies to RU1 zoned land;

Dwelling houses and outbuildings

Minimum setback for dwellings, outbuildings and swimming pools is 10m.

Additional setback controls

This section applies to **Higher density** allotments, multi dwelling housing, etc.;

- Dwelling houses should be a minimum 2 metres from the vehicular access way.
- A minimum 8 metres between the main entrance of a dwelling and the main entrance of another dwelling which is visible by direct line of sight.

2.6 Car parking & access**Objectives**

- Sufficient on-site parking for residents and their visitors.
- Safe movement of vehicles within a site.
- Adequate space provided in front of garages for overflow

Controls**General**

- On-site parking at the following rates:
 - One bedroom dwelling: 1 space
 - Two or more bedroom dwelling: 2 spaces
- The parking spaces to be located in a safe and convenient location for residents and visitors.
- Stacked parking is permissible for one parking space.
- Parking, with the exception of stacked parking, is not to be provided within the

Objectives

parking.

- *High control of construction and appearance of hardstand areas associated with vehicle movement and parking.*

Controls

front building setback.

- Driveways must be a minimum of 3 metres wide.
- The driveway should be made from attractive and hard wearing surfaces such as pavers, concrete and the like.
- All driveways, exposed car parks and manoeuvring areas are to be constructed to provide stormwater drainage.
- Minimum dimensions for a single car garage to be 3 metres wide by 6 metres deep.
- Minimum dimensions for a double car garage is to be 5.5 metres wide by 6 metres deep.
- Access and parking on battle-axe allotments must be designed so that vehicles enter and exit part in a forward direction.

Higher density

- For every four dwellings on the one site: 1 visitor space.
- Shared driveways longer than 20 metres in multi-dwelling developments shall be 5 metres wide or provide passing bay(s).
- Access and parking within multi-dwelling developments featuring a shared driveway must be designed so that all on-site vehicle movements (apart from manoeuvring) are in a forward direction.
- Manoeuvring areas within the site must be designed to minimise the number of vehicle movements, and particularly rearward movements.
- Manoeuvring areas must be designed so that all movements can be contained within the hardstand areas provided for that purpose.

2.7 Site facilities**Objectives**

- *Site facilities not to detract from the public aesthetics of the building.*
- *Site facilities not to be detrimental to residential amenity.*

Controls**General**

- External storage areas for each unit are to be located within the private open space.
- Clothes drying facilities are to be provided within the private open space of each dwelling.
- The mail box design and location should be complementary to the front setback landscaping and the dwelling design.
- Garbage bins for each unit are to be stored within the building or private open space. If a common bin storage area is proposed, it shall be located in a screened enclosure central to the development.

2.8 Security**Objectives**

- *Living environments that enhance residents' feelings of safety and security.*
- *Building and layout designs that allow surveillance of common and public*

Controls**General**

- The site layout enhances personal safety and minimises the potential for fear, crime and vandalism.
- The design of dwellings enables residents to survey streets, public areas and dwelling entries to enable surveillance of the neighbourhood to take place.
- Adequate lighting must be provided for all paths, access ways, parking areas and building entries.

Objectives

spaces by residents.

- Environments that reduce opportunistic crime.

Controls**2.9 Privacy****Objectives**

- The protection of privacy and amenity of neighbouring properties.
- Privacy and amenity for residents within medium density developments.

Controls**General**

- A window in a new dwelling house or a new window in any alterations or additions to an existing dwelling house must have a privacy screen for any part of the window that is less than 1.7m above floor level if:
 - (a) the window:
 - (i) is in a habitable room that has a finished floor level of more than 1m above ground level (existing), and
 - (ii) has a sill height of less than 1.7m above that floor level, and
 - (iii) faces a side or rear boundary and is less than 4m from that boundary, or
 - (b) the window:
 - (i) is in a habitable room that has a finished floor level of more than 2m above ground level (existing), and
 - (ii) has a sill height of less than 1.7m above that floor level, and
 - (iii) faces a side or rear boundary and is at least 4m, but no more than 8m, from that boundary.
- A new balcony, deck, patio, pergola, terrace or verandah and any alterations to an existing balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
 - has a floor level more than 1 metre above ground level (existing), and
 - it is located within 10m of a side or rear boundary, and
 - directly overlooks the living area and/or private open space of an neighbouring property.
 - Any privacy screen, as required above, must be installed:
 - (a) to a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, deck, patio, terrace or verandah, and
 - (b) at the edge of that part of the development that is within the areas specified above and is parallel to or faces towards the relevant side or rear boundary.
- A detached deck, patio, pergola or terrace or any alterations or additions to an existing deck, patio, pergola or terrace must not have a floor level that is more than 600mm above ground level (existing).
- For two storey buildings, upper floor walls should be set back from the sides to reduce the amount of overshadowing on adjoining lots.
- Noise transmission between attached dwellings is to comply with the *Building Code of Australia*.
- External lighting (including tennis courts and out door living areas) shall be baffled so there is minimal light spillage onto adjoining properties.

2.10 Energy efficiency

Objectives

- Buildings to meet projected user requirements for daylight access.
- Siting and design buildings to promote energy efficiency.

Controls

General

- Buildings should be oriented to make appropriate use of solar energy, be sited and designed to ensure energy efficiency of existing dwellings is not unreasonably reduced.
- Living areas and private open space should be located on the north side of development where practicable.
- Developments should be designed so that solar access to north facing windows is maximised.
- Buildings shall be designed to ensure living areas and private open space of adjoining residences maintain at least three hours direct sunlight between 9am and 3pm at the Winter Solstice. An overshadowing diagram may need to be provided to demonstrate this development control can be achieved.

2.11 Outbuildings

Objectives

- Outbuildings not to be detrimental to residential amenity.
- Outbuildings to be in proportion with the size of the lot they are placed.

Controls

General

- The use of shipping containers for sheds, excluding the RU1 zone, will be considered by Council to be non-compliant with the objectives of this control.
- Outbuildings (except in rural areas) are to be clad in factory pre-coloured metal, timber, brick or masonry material.
- The colour of cladding used on outbuildings is to be low-reflective (except in rural areas).
- The total floor area of an outbuilding or outbuildings in the R1 zone shall not exceed 100m² in size and 3.8m in height.
- The total floor area of an outbuilding or outbuildings in the R2 and RU5 zones shall not exceed 140m² and 4.0m in height. Larger shed should be offset from the boundary to minimise visual impact.
- The total floor area and height of an outbuilding or outbuildings in the R5, E3 and RU1 zones shall be considered on its merit and against the objectives of this section.

2.12 Rich River Golf Club

Objectives

- Provide the opportunity for the development of a high quality residential estate integrated with the golf course.
- Maximise the living environment a golf course offers.
- Minimise potential conflicts between the

Controls

General

- Dwellings with golf course frontage shall be orientated towards the golf course.
- Service areas of dwellings should be located or screened so as not to be visible from the golf course.
- Buildings are to occupy a maximum of 55 percent of site area (including land between the dwelling and driveway).
- Buildings shall be setback a minimum of 4 metres from the edge of the driveway (pavement). Setbacks may be reduced for integrated development.
- Dwellings with golf course frontage shall be restricted to single storey. All other dwellings shall have a maximum height of two stories.
- The type and colour of external building materials shall be such that they are

Objectives

residential and recreational land uses on the site.

Controls

- compatible with the golf course environment. Reflective building materials or stark colours are not permitted.
- Each dwelling is to have an area of private open space (i.e. space that is not visible at ground level from a public place or adjoining property) of 30m² per dwelling with a minimum width of 3metres.
 - Pedestrian and golf cart access to a minimum width of 3 metres shall be provided to the golf course.
 - Dwellings are to be provided with two car parking spaces (stack parking permissible) with one capable of being covered.
 - Car parking is to be provided at the rate of three spaces per two dwellings for integrated housing development.
 - Garages and carports are to be designed as integral parts of the dwelling.
 - Landscaped screening and edge treatment must be provided around the perimeter of the estates and along the boundaries of the pedestrian walkways.

3. INDUSTRIAL DEVELOPMENT

This chapter of the DCP applies to all forms of industrial development within the Shire for which a development application is required.

The overall purpose of the controls in this chapter is to create well-designed precincts that cater for the wide range of industrial activities.

The specific objectives of the controls are:

- Focus the development of industries outside of commercial and residential areas so as to minimise conflict between the different uses.
- Direct different types of industrial development to locations best suited for that activity.
- Provide for a range of industrial activities in industrial precincts.
- Provide a level of amenity in industrial areas for those that visit and work there.
- Ensure that development incorporates safe and functional movement of vehicles on and off site.
- Encourage a high standard of design in industrial areas, particularly in the Moama Business Park.

The controls in this chapter are expressed firstly as an objective Council is seeking for industrial development and secondly the development controls considered by Council to deliver these objectives. Compliance with all development controls should result in consistency with the objectives and consequently the granting of development consent (if SEPP and LEP requirements are also met). In exceptional circumstances Council may consider a variance to a development control but

only where the applicant has comprehensively demonstrated in writing and/or with plans that the objective can still be achieved.

The development controls are grouped under different components of industrial development. Within each component there are general development controls that relate to all types of proposals as well as specific development controls for different locations of industrial development. The specific locations of industrial development are:

- **Moama Business Park** being exclusively that land zoned B6 Enterprise Corridor and IN1 General Industrial on both sides of the Cobb Highway on the northern outskirts of Moama.
- **Other industrial** being generally but not exclusively land zoned IN1 General Industrial in the older industrial estate in Moama, a large area in Hillside Road north of Moama and land zoned RU5 Village in the industrial estate in Mathoura.

In applying the development controls to a particular development proposal, both the general and specific development controls to that particular location of development are applicable. Where there is conflict between a general and a specific development control, the specific development control shall apply to the extent of the inconsistency.

3.1 Appearance

Objectives

- Buildings and sites to make a positive contribution to the streetscape.
- Buildings on sites fronting the Cobb Highway to be designed to a high control and make a positive contribution to the northern entrance to Moama.
- Outdoor areas to be screened and/or landscaped so as to make a positive contribution to the streetscape.

Controls

General

- Buildings are to have their main building facade and entries addressing the primary street frontage.
- High quality materials and finishes should be used for building exteriors as well as any fences.
- Office components shall be located at the street frontage of the structure to enable the placement of windows and doors to 'break up' the façade.

Moama Business Park

- External walls are to be of a non-reflective material, such as brick, concrete or Colorbond® sheeting. Zinalume and the like are not considered appropriate by Council as they do not contribute to the preferred character.
- For buildings facing the Cobb Highway, front facades must provide visual interest through articulation and use of varied building materials and colours.
- The office and/or administration areas of any building are to be architecturally differentiated from the remainder of the building by the use of fenestration, materials of construction and differing horizontal/vertical planes.

3.2 Landscaping

Objectives

- To improve the visual quality and amenity of industrial development through the provision of effective, low maintenance landscaping.
- Landscaping as a means of screening outdoor areas from adjoining properties and from public places (including roads).
- A high control of landscaping for the Moama Business Park to enhance the northern entrance to Moama along the Cobb Highway.
- A landscape buffer

Controls

General

- All industrial sites are to be landscaped (see Figure 3.1).
- Landscaping areas are to be identified on development application plans submitted to Council with a comprehensive landscape plan required to show all areas of vegetation, pathways and vehicles access areas.
- A range of plant species of various heights are to be used in the landscaping to create interest, improve visual amenity and help screen storage and car parking areas.
- Landscaping areas are to be protected from vehicle movement areas to prevent the damage to these vegetated areas.
- Landscaping must be designed to ensure low maintenance.
- Existing mature trees should be incorporated in the development where possible.
- Where ever possible native plant species are to be utilised in landscaping with preference given to drought tolerant species.

Moama Business Park

- The following areas of the site shall be landscaped:
 - A landscape strip immediately within the front property boundary and along side boundaries forward of the building line.
 - Vehicular parking areas shall contain tree plantings to soften the visual impact of parking facilities.
 - Other areas as required including; screening of open storage areas and work areas, beside vehicle movement areas, in front of buildings and along other property boundaries.

between industrial developments and adjoining or nearby non industrial land uses.

- Quality landscaping, of a standard acceptable to Council, is to be provided and maintained to enhance the appearance of the subject development and must consist of:
 - suitable sized trees;
 - shrubs and ground cover; and
 - earth shaping and mounding, where appropriate.
- A minimum 3 metre wide landscaping strip shall be installed and maintained on industrial sites where they adjoin non industrial land uses including future residential land. Landscaping within this strip shall consist of plant species that will provide a tall and dense screen between the Business Park and the adjoining land.

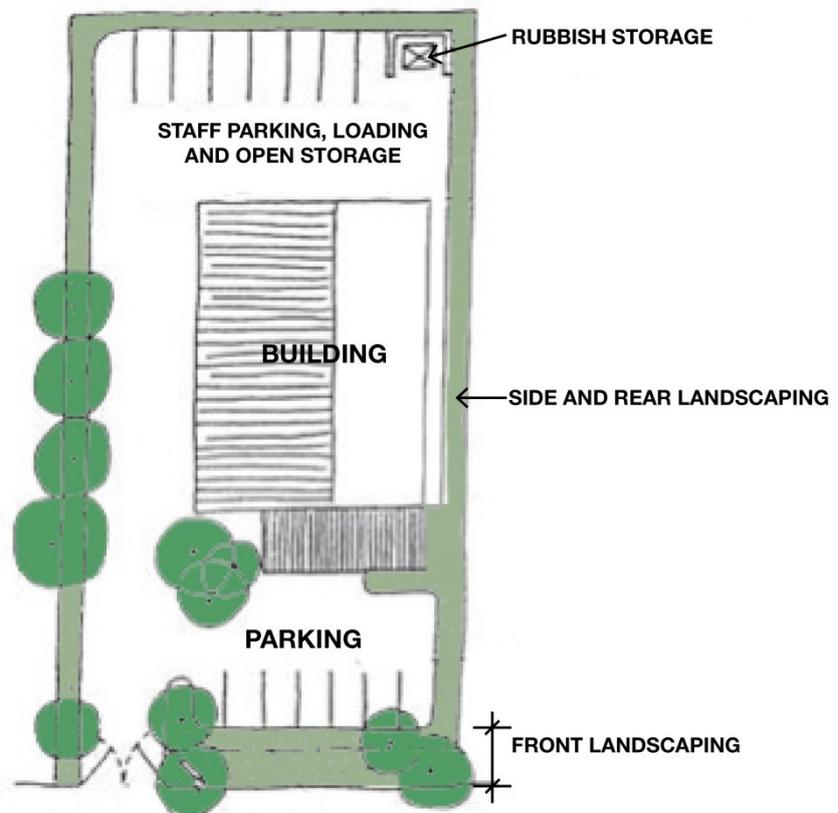


Figure 3.1 – Site landscaping for Industrial sites

3.3 Building setbacks

Objectives

- Sufficient land is available for landscaping, vehicle parking and vehicle circulation.

Controls

General

- A minimum 10 metres from the front (primary) property boundary.
- A minimum 3 metres from the side (secondary) property boundary.
- Side and rear setbacks from adjoining properties should comply with the standards detailed in the *Building Code of Australia*.

Objectives

- Buildings are appropriately sited to provide an attractive streetscape and reduce any adverse impact.

Controls**Moama Business Park**

- A minimum 10 metre setback for allotments adjoining future residential land.

3.4 Parking & access**Objectives**

- Sufficient on-site parking for employees and visitors.
- Safe movement of vehicles and pedestrians within a site.
- High control of construction areas associated with vehicle movement and parking.

Controls**General**

- Parking is to be provided on-site at the following minimum rates:
 - Industry component: 1 space per 70m² of gross floor area or part thereof.
 - Warehouse/storage component: 1 space per 100m² of gross floor area or part thereof.
 - Office/showroom components: 1 space per 40m² of gross floor area or part thereof.
 - Disabled: Minimum of 1 space in accordance with the *Building Code of Australia*.

The total minimum number of parking spaces to be provided on-site is the sum total of the components.

- Council may consider a reduction in these controls if it can be demonstrated the proposed use of the premises does not warrant such provision. However applicants must demonstrate there is sufficient room on the site to provide parking in accordance with the controls should the use of the premises change.
- Council may require on-site parking at a rate in excess of the above if the proposed use of the premises warrants such an outcome.
- Parking spaces must be physically separated from access ways, loading and unloading areas, and manoeuvring areas.
- All parking areas are to be constructed so as to allow for the catchment and disposal of stormwater to a point of discharge agreed to by Council.
- All parking, loading or unloading of vehicles is to be carried out on the development site.
- All vehicles (including trucks) must be capable of entering and exiting the site in a forward direction.
- Developments must be designed with sufficient turning areas for the vehicles expected to require access to the site. If the development is likely to be accessed by larger vehicles, the appropriate access and manoeuvring areas are to be shown on plans provided with the development application.

Moama Business Park

- All parking areas between the building and the street boundary are to be constructed of reinforced concrete or bitumen surface and are to be appropriately line marked.

3.5 Outdoor areas

Objectives

- Enhance the visual amenity of industrial areas.
- Screen outdoor storage and work areas as seen from public land and non industrial land uses.

Controls

General

- Outdoor storage and work areas are to be substantially screened from public roads and adjoining lots by landscaping.
- Outdoor storage and work areas must be suitably surfaced to prevent dust rising from vehicle movements or wind.

Moama Business Park

- All storage, garbage or open work areas are to be located behind the building alignment and are to be fully screened from the view from public roads.
- Solid fencing/screen walls on street frontages are not to project forward of the building alignment. Solid fencing exceeding 1 metre in height will not be permitted between the building and the street frontage.
- Fencing of a 'transparent nature' (i.e. wire mesh) is permitted to a maximum height of 2.4 metres. This fencing is permitted in front of the building line.
- Fencing behind the building line cannot be greater than 1.8 metres if 'opaque' or solid fencing.

3.6 Amenity

Objectives

- Locating industrial activities in locations that minimise detrimental offsite impacts.
- Ensuring the Moama Business Park provides a high level of amenity.
- Minimise amenity impacts on residential and future residential areas.

Controls

General

- All development is required to comply with the requirements of the *Protection of the Environment Operations Act 1997* (as amended) and its Regulation.
- Developments defined as "hazardous industry", "offensive industry", "hazardous storage establishment" and "offensive storage establishment" will not be supported in the Moama Business Park or Moama Industrial Estate (see the Dictionary in the LEP for definitions of these types of developments). Such activities will be encouraged to locate on IN1Z land in Hillside Road. Types of industrial activities considered potentially unsuitable for the Moama Business Park and Moama Industrial Estate include:
 - Bitumen manufacturing or processing.
 - Brick, tile, pipe and fire clay products manufacturing.
 - Cement and cement product manufacturing.
 - Chemical factory or works involving chemical processes or involving the use of toxic, radioactive or flammable or otherwise volatile unstable materials.
 - Chemical storage establishments (other than the storage of inert, nontoxic, non-flammable and non-radioactive materials or products).
 - Cutting, crushing and grinding of materials, rocks, ore or minerals.
 - Drum reconditioning works.
 - Glass, fibreglass and associated products manufacturing.
 - Hardboard manufacturing.
 - Heavy engineering, boiler making and heavy machine manufacturing.
 - Liquid, chemical, oil or petroleum waste works.

Objectives**Controls**

- Metallurgical works involving the processing of metals or their ores.
- Paper or pulp works.
- Petroleum products refineries.
- Hazardous or potentially hazardous developments.
- Offensive or potentially offensive developments.
- Rubber (including tyres) or plastics manufacturing.
- Liquid fuel depots.
- Applications for potentially hazardous or offensive development are to submit information demonstrating compliance with *SEPP 33- Hazardous and Offensive Development*.
- Outdoor areas must be treated and maintained to prevent dust rising.
- All stormwater is to be appropriately managed.
- A trade waste agreement is to be entered into with Council for disposal of liquid waste to Councils sewerage system for certain activities.
- Land uses or development considered by Council to potentially have a detrimental impact on adjoining properties through noise or air emissions (e.g. dust or odour) are to provide information in respect to the likely impacts and proposed mitigation measures of these impacts.
- Land uses or development considered by Council to potentially have a detrimental impact on existing or future residential areas through noise or air emissions (e.g. dust or odour) will be discouraged without the submission of a relevant Impact Statement by the applicant demonstrating otherwise. Compliance with the Impact Statements will then become a condition of consent.

3.7 Signage**Objectives**

- Signage that is of a high professional control.
- Signage that does not detrimentally affect the streetscape or highway corridor.
- Signage to the minimal extent necessary.

Controls**General**

- Signage to be restricted to identifying and promoting the business activity occupying the site and the goods and services it offers.
- Signage relating to a product, activity or service unrelated to the business on the site is not permitted.
- Signage must be maintained in good condition at all times.
- Advertising signs and structures shall be of a size, colour and design which are compatible with the building to which they relate.
- Signs should not visually dominate the area of building walls nor should they extend above the roof of the building.

Moama Business Park

- For single occupant industrial sites a free standing pole or pylon sign not exceeding a maximum height of 6 metres which incorporates a sign panel not exceeding 5m² in area and 2.5 metres in width.
- For a multi occupant industrial sites a free standing pole or pylon sign not exceeding a maximum height of 6 metres which incorporates a sign panel not

Objectives**Controls**

exceeding 8m² in area and 2.5 metres in width. A maximum message face per occupancy is 2m²

- Flush walls signs may be placed on the building walls. Consent may be assumed for one flush wall sign per site, not exceeding 10m² in area.

3.8 Non-industrial activities**Objectives**

- *Non-industrial activities that are ancillary to the industrial use of a site.*
- *Non-industrial activities that compliment and do not compromise industrial activities.*

Controls**General**

- The extent to which industrial retail outlets are permissible is defined in Clause 5.4(4) of the LEP.
- Retailing and the display of goods in the IN1Z will only be considered where it is ancillary to the principal industrial land use onsite.
- Neighbourhood shops, take-away food and drink premises or like developments are permitted within the IN1Z where they provide for the daily convenience needs of the workforce in the surrounding industrial area.
- Office space is to be ancillary to the principal industrial land use onsite.
- An office shall not detrimentally affect the trading performance, singularly or cumulatively, of existing commercial centres.
- A managers or caretakers residence shall be:
 - no more then 100m² in gross floor area;
 - subservient and incidental to the industrial use of the site;
 - only used in association with an approved industrial activity on the site;
 - justified on site due to the nature of the industrial activity ;
 - restricted in association with or in the vicinity of hazardous or offensive industries including Hillside Road;
 - restricted to sites within close proximity to the amenities and services of existing townships; and
 - only permitted in the Moama Business Park where incorporated under the roof of the main building.

4. COMMERCIAL DEVELOPMENT

This chapter of the DCP applies to all forms of commercial development within the Shire for which a development application is required.

The overall purpose of the controls in this chapter is to create attractive and functional buildings that contribute to the character of town centres.

The specific objectives are:

- to encourage orderly and economic development within the Shire having regard to its commercial and retail needs;
 - to accommodate the expansion of retail, commercial, professional services and community facilities for local residents in convenient locations within the Shire;
 - to promote pedestrian movement and connectivity within commercial areas;
 - to ensure that new commercial development is compatible with the character of the area and enhances the streetscape;
 - to promote a variety of uses within the Moama and Mathoura town centres that increases their role as a local centres;
- to enhance and consolidate where possible the retail, cultural and civic uses in Moama centred around the Meninya and Blair Street intersection; and
 - to consolidate the retail and commercial functions of the Moama and Mathoura town centre and discourage isolated retail development.

The controls in this chapter are expressed firstly as an objective Council is seeking for commercial development and secondly the development controls considered by Council to deliver these objectives. Compliance with all development controls should result in consistency with the objective and consequently the granting of development consent (if SEPP and LEP requirements are also met). In exceptional circumstances Council may consider a variance to a development control but only where the applicant has demonstrated in writing and/or with plans that the objectives can still be achieved.

4.1 Location

Objectives

- To consolidate existing town centres in Moama and Mathoura.
- To discourage isolated commercial development.
- To encourage infill development within existing town centres.
- To increase retail expenditure in the Shire by enhancing the town centres of Moama and Mathoura.

Controls

- New commercial activities are to be located within the existing commercial centres of Moama and Mathoura.
- Within Moama, the preferred location for 'shops' is in Meninya Street between Echuca and Blair Streets. Council will consider retail proposals outside of this area as inconsistent with the objectives of this clause unless it can be adequately demonstrated that compliance with such objectives is unreasonable and unnecessary under the circumstances.
- Within Mathoura, the preferred location for 'shops' is in Livingstone Street between Lawrence and Morris Streets. Council will consider retail proposals outside of this area as inconsistent with the objectives of this clause unless it can be adequately demonstrated that compliance with such objectives is unreasonable and unnecessary under the circumstances.
- Small businesses principally servicing local neighbourhoods may be located outside of the Business 2 Zone where it is demonstrated that such services are necessary and appropriate.
- Commercial activities are to be located in areas accessible to residents and visitors.

4.2 Appearance & design

Objectives

- Encourage the use of a combination of materials articulation and fenestration when designing buildings.
- A positive contribution to the existing character and streetscape of the town centres.
- Encourage and promote a consistent and attractive streetscape in terms of building bulk, height, setbacks, street furniture, signage and building designs.

Controls

- Shopfronts predominantly in glass to be provided on commercial buildings constructed to the front building line.
- Shopfronts are to be inviting and active at street level, such as use of large glazed openings and activity at street level, to ensure buildings are inviting and attractive to pedestrians and contribute to the preferred 'main street' character of Moama and Mathoura.
- Large expanse of walls along the street frontage will not be supported.
- Development is designed having regard to safety and where possible implements measure for *Crime Prevention Through Environment Design*.

4.3 Landscaping

Objectives

- *Landscaping is of a control that enhances the amenity of the development and commercial areas.*

Controls

- Developments which are set back from the street frontage shall incorporate appropriate landscaping with the front setback that enhances the visual quality and character of the street.
- Car parks in excess of 10 spaces are to be provided with appropriate internal landscaping.

4.4 Heritage

Objectives

- *Ensure new development is compatible and sympathetic to heritage items.*

Controls

- Developments adjoining and in the vicinity of a heritage item are to be designed to complement the item.

4.5 Signage

Objectives

- *Signage does not detrimentally affect the character and amenity of the area.*

Controls

- Signage to be kept to a minimum and appropriate for the type of commercial activity being undertaken.
- Signage to be of a scale in proportion of the building (i.e. must not to dominate the building facade or street frontage).
- Signage not to be a hazard for pedestrians or motorists.
- Moving and/or flashing signs are to be avoided.

4.6 Parking

Objectives

- *To match the supply of car parking with the demand likely to be generated by customers and employees.*
- *To ensure off-street car parking and manoeuvring areas are to a high control.*
- *Minimisation of the visual impact of large areas of car park.*
- *Buffer between car parks and adjoining property.*
- *Safe car parks (particularly at night).*
- *Pedestrian and vehicular movement through commercial areas in a functional, safe and integrated fashion.*

Controls

- Surface car parking is to be located to the side or rear of the development.
- Car parking to be provided at the rate required in Chapter 5 of the NSW Roads & Maritime guide, shown in Table 4.1 below.
- Parking spaces should be designed in accordance with *Australian Standard 2890.1* and *2890.2*.
- Car parks adjoining public land (including a road) shall be provided with a landscape strip at the interface.
- Car parking to be accessible at all times during the business hours of the premises.
- Car parks to be designed to provide pedestrian connectivity and minimise conflicts between vehicles and pedestrians.
- Loading facilities are to be located at the rear or side of the building and not adjacent to any residential property.

TABLE 4.1 - CAR PARKING REQUIREMENTS

Land Use	Parking Requirements	
Casual accommodation		
Motels	1 space for each unit + 1 space per 2 employees. If restaurant included then add the greater of 15 spaces per 100m ² GFA of restaurant / function room, or 1 space per 3 seats.	
Hotels (traditional or tourist)	Comparisons should be drawn with regard to similar developments.	
Office & commercial		
Commercial premises	Unrestrained situation: 1 space per 40m ² GFA Restrained situation: consult with Council	
Retail		
Shopping centres	GLFA (m²)	spaces per 100m² GLFA
	0-10,000	6.1
	10,000-20,000	5.6
	20,000-30,000	4.3
	over 30,000	4.1
Service stations and convenience stores	The sum total of: 6 spaces per work bay, plus 5 spaces per 100m ² GFA of convenience store If restaurant present, then greater of 15 spaces per 100m ² GFA, or 1 space per 3 seats.	
Motor showrooms	0.75 spaces per 100m ² site area plus + 6 spaces per work bay (for vehicle servicing facilities)	
Car tyre retail outlets	Whichever is the greater of: 3 spaces per 100m ² GFA, or 3 spaces per work bay	
Roadside stalls	4 spaces	
Drive-in liquor stores	Nil	
Markets	2.5 spaces per stall (customers only).	
Bulky goods retail stores	Comparisons should be drawn with similar developments	
Video stores	6.1 spaces per 100m ² GFA	

Land Use	Parking Requirements
Drive-in take-away food outlets	Developments with no on-site seating: 12 spaces per 100m ² GFA Developments with on-site seating: 12 spaces per 100m ² GFA or greater of: 1 space per 5 seats (internal and external), or 1 space per 2 seats (internal) Developments with on-site seating and drive through facilities: The greater of: 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external) plus queuing area for 5 to 12 cars
Restaurants	Whichever is greater of: 15 spaces per 100m ² GFA, or 1 space per 3 seats
Clubs	Comparisons should be drawn with similar clubs
Recreational	
Squash courts	3 spaces per court
Tennis courts	3 spaces per court
Bowling alleys	3 spaces per alley
Bowling greens	30 spaces for first green plus 15 spaces for each additional green
Gymnasiums	4.5 spaces per 100m ² GFA (minimum)
Tourist Facilities	
Caravan parks	1 space per caravan site

5. TOURIST ACCOMMODATION

This chapter of the DCP applies to tourist accommodation in the Shire for which a development application is required.

The overall purpose of the controls in this chapter is to provide for well-designed, suitably located and sustainable and high quality tourist accommodation in the Shire.

The specific objectives of the controls are:

- to encourage and promote development of tourist accommodation within the Shire;
- to maximise utilisation and promotion of existing tourist resources;
- to protect the natural environment;
- to provide for tourist oriented activities that are appropriately located; and
- to promote diversification of development types and forms.

Compliance with all development controls should result in consistency with the development outcome and consequently the granting of development consent (if other DCP, SEPP and LEP requirements are also met). Council may consider a variance to a development control in this chapter but only where the applicant has demonstrated in writing and/or with plans that the development outcome can still be achieved.

For the purposes of this chapter, tourist accommodation includes the following types as defined 'Tourist and Visitor Accommodation' in the Dictionary of the LEP:

- Backpackers accommodation*
- Bed & breakfast accommodation
- Farm stay accommodation
- Hotel or motel accommodation*
- Serviced apartments*

For the purposes of this chapter the following land uses are also considered to be types of tourist accommodation;

- Camping ground
- Caravan park*

- Eco-tourist facility

* The LEP does not allow these types of tourist accommodation within the RU1 and E3 zones (i.e. generally outside of Moama and Mathoura).

Controls

Tourist accommodation will only be permitted where adequate potable water supply, both quality and quantity, is available, having regard to the proposed use of the site. It will also only be encouraged where provision of a reticulated sewerage system is available. Where this is not available development will only be permitted if it can be demonstrated that soil types in the area are suitable for the installation and operation of an on-site wastewater treatment and disposal system.

New tourist accommodation within the R1Z in Moama, is preferred to be located in the area shown as 'Tourist/Residential' in the Strategic Land Use Plan.

The definition of 'Eco-tourist facility' in the LEP is very specific. To consider a proposal for an Eco-tourist facility, Council firstly has to be satisfied that it meets the land use definition with the key consideration being whether it is located in or adjacent to an area with "special ecological or cultural features". Council must then be satisfied the proposal meets the criteria of Section 5.13 of the LEP. Having regard for the extensive requirements of this section, Council would expect a detailed proposal to be submitted with a development application. The level of detail is likely to be considerably greater than what might be expected for other tourist accommodation proposals.

Development that has the potential to have a detrimental impact on the natural landscape or environment will not be supported.

The design and construction of caravan parks or camping grounds is to be in accordance with the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. For other developments of a similar nature the provisions / principles of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 are to be considered and incorporated into the design where appropriate.

Matters for consideration

Council shall not grant consent to the development of tourist accommodation unless it has been provided with sufficient detail in the application to determine whether the proposal is acceptable in terms of:

- (a) the impact of the development on the natural environment and the means of protection to be employed against any potential effect;
- (b) the impact of the development on the built environment, the character of the area and significant places of heritage value;
- (c) the proximity and means of access to an urban centre and facilities;
- (d) the impact of the development on adjoining land use activities and the amenity of nearby residents;
- (e) the potential economic benefit;
- (f) provision of suitable of road access and egress
- (g) provision of a potable water supply;
- (h) provision of wastewater disposal facilities;
- (i) the availability of electricity and telecommunication services;
- (j) natural hazards including flooding, bushfire or other risks to public safety and property; and
- (k) landscaping including retention of existing vegetation and proposed planting.

In respect to the conversion of existing residential dwellings to serviced apartments, proposals must:

- (a) not exceed 5 bedrooms or a capacity for 12 occupants for any one apartment;
- (b) provide at least one off street car parking space for each apartment and at least two spaces for apartments with three or more bedrooms;
- (c) install fire safety measures including fire extinguisher and fire blanket in the kitchen and emergency lighting and smoke alarms in accordance with the *Building Code of Australia*;
- (d) ensure the privacy for the occupants and adjoining and nearby residents;
- (e) provide facilities or arrangements for adequate storage and removal of household waste;
- (f) implement measures to limit unreasonable impacts on the amenity of the surrounding areas;
- (g) be located within proximity of town services and tourist facilities; and
- (h) upgrade the building in accordance with the *Premises Standards and Building Code of Australia* in respect to disabled access and facilities.

6. STRATEGIC LAND USE PLAN

This chapter of the DCP relates to application of Council's Strategic Land Use Plan (SLUP). The SLUP was prepared as the strategic planning basis for the *Murray Local Environmental Plan 2011* ("the LEP").

The overall purpose of the SLUP is to guide the future development and use of land within the Shire for the next 20 years and beyond. More specifically the purpose of the SLUP is to assist in:

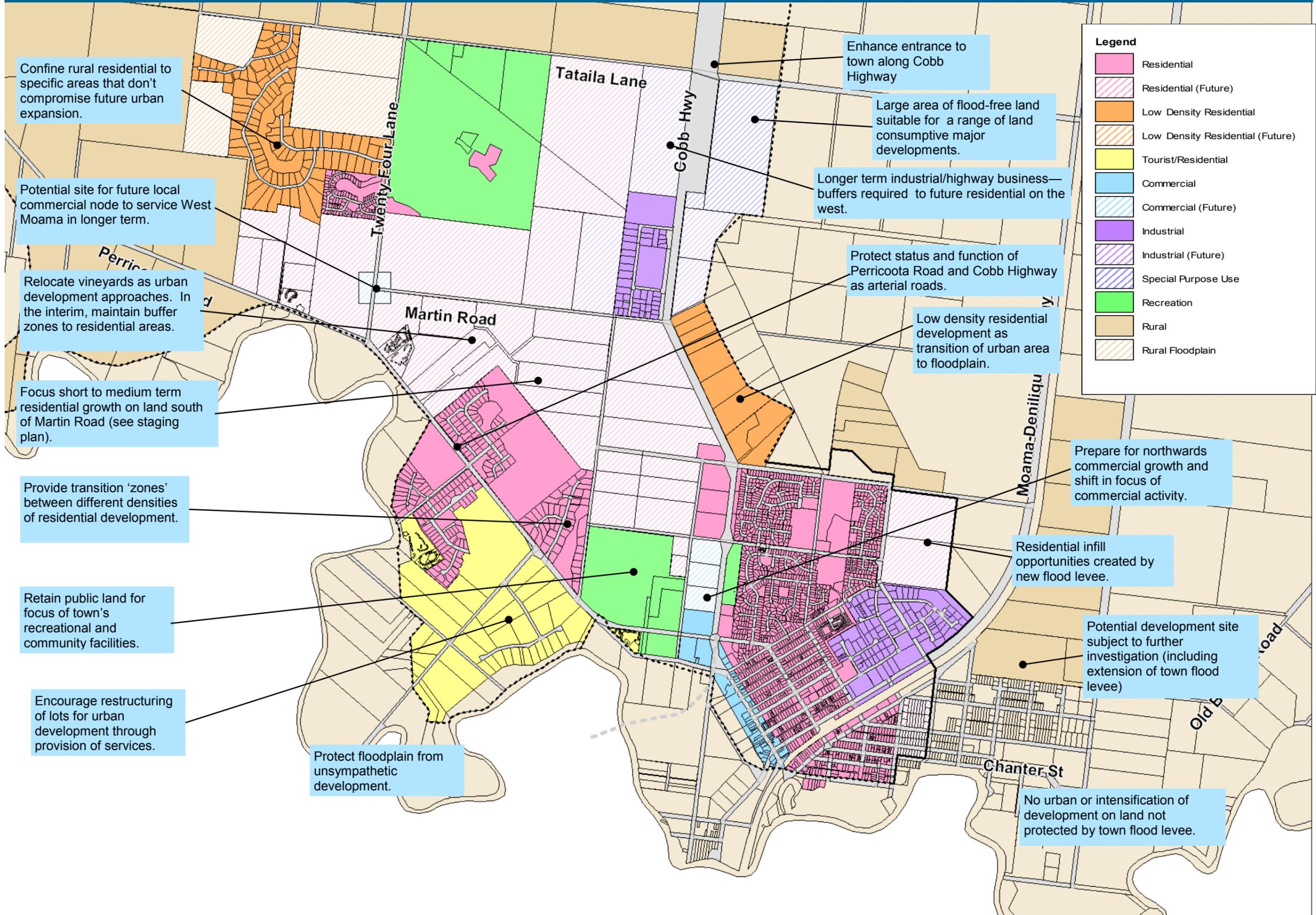
- preparing a new Shire-wide Local Environmental Plan;
- providing the community with a degree of certainty for the location of various land uses in the future;
- maintaining in production agricultural land not required for urban expansion;
- protecting the riverine environment from use and development detrimental to it;
- separating incompatible land uses;
- reducing development speculation;
- considering tourist development proposals; and
- discouraging development on flood prone land.

In particular, reference should be made to the Structure Plans in the SLUP for Moama and Mathoura (see attached).

All development proposals must be consistent with the SLUP.

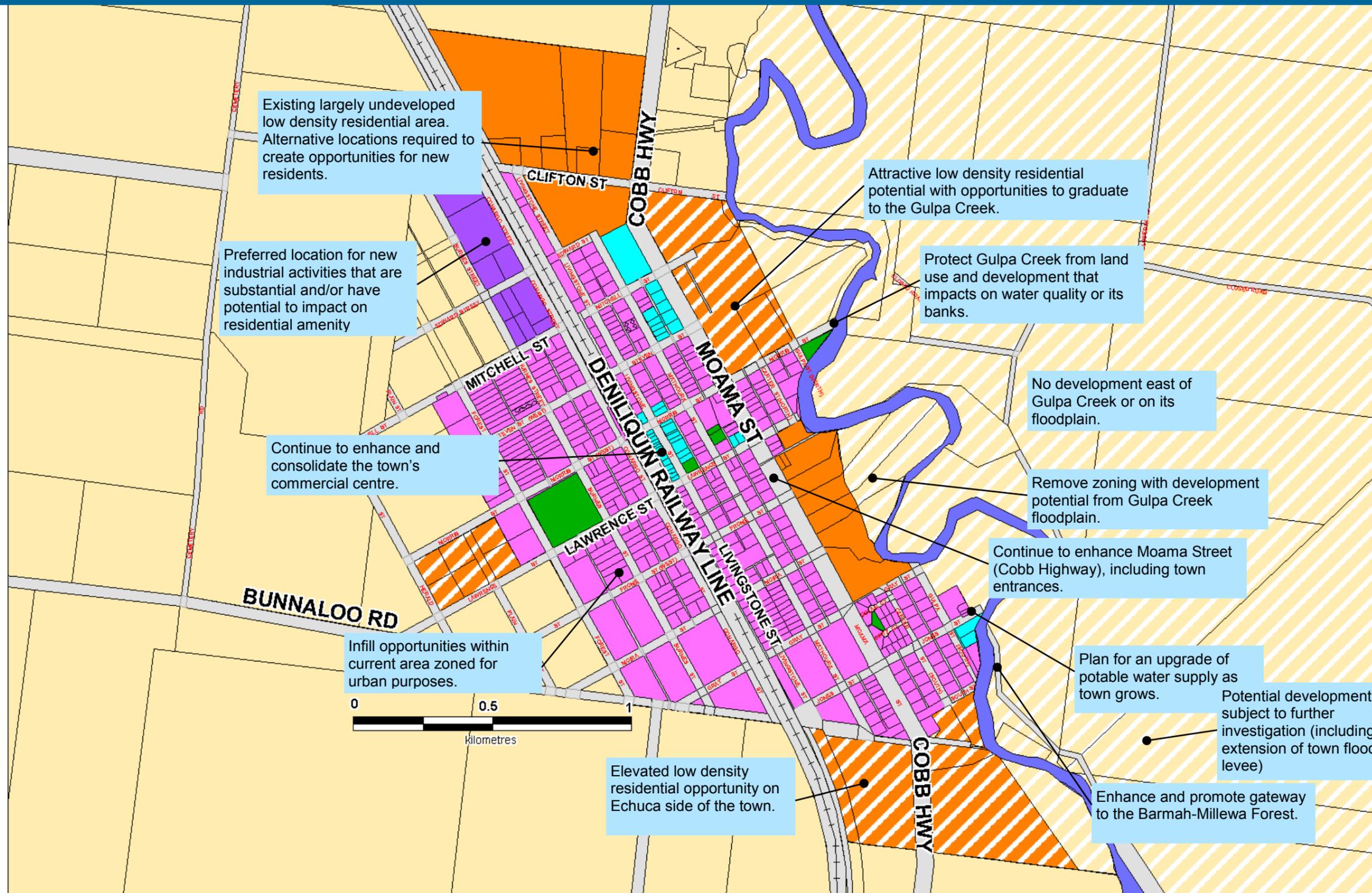
Moama

Structure Plan



Mathoura

Structure Plan



Existing largely undeveloped low density residential area. Alternative locations required to create opportunities for new residents.

Preferred location for new industrial activities that are substantial and/or have potential to impact on residential amenity

Continue to enhance and consolidate the town's commercial centre.

Infill opportunities within current area zoned for urban purposes.

Elevated low density residential opportunity on Echuca side of the town.

Attractive low density residential potential with opportunities to graduate to the Gulpa Creek.

Protect Gulpa Creek from land use and development that impacts on water quality or its banks.

No development east of Gulpa Creek or on its floodplain.

Remove zoning with development potential from Gulpa Creek floodplain.

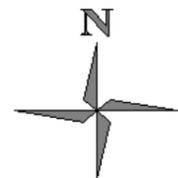
Continue to enhance Moama Street (Cobb Highway), including town entrances.

Plan for an upgrade of potable water supply as town grows.

Potential development site subject to further investigation (including extension of town flood levee)

Enhance and promote gateway to the Barmah-Millewa Forest.

- | | | | |
|---|--|--|--|
|  Residential |  Low Density Residential |  Industrial |  Gulpa Creek |
|  Commercial |  Low Density Residential (Future) |  Recreation/Open Area |  Rural |
| | | |  Rural (Environment/Flooding) |



7. SUBDIVISION

This chapter of the DCP applies to the subdivision of land.

The purpose of the chapter is:

- To encourage a diversity of lot sizes for residential, industrial and commercial development that is compatible with the character of an area and appropriate for the proposed use
- To provide lots with areas and dimensions which protect environmental features and take account of site constraints.
- To have regard to energy conservation principles in the orientation of lots where for residential subdivisions at least 70% of the lots will have favourable solar orientation.
- To ensure public open space, of appropriate quantity and quality, is provided to meet the recreational and social needs of the community.
- To ensure all public utilities for the development of new lots are adequately planned as part of subdivision.
- To ensure the provision of utilities and infrastructure meets minimum standards.
- To provide a road network that places a high priority upon vehicular and pedestrian connectivity, convenience and safety.
- To encourage the use of other transport modes as an alternative to motor vehicle transport.

The controls in this chapter are expressed firstly as an objective Council is seeking for subdivision and secondly the development controls by which compliance will be considered by Council to deliver these objectives. In exceptional circumstances Council may consider a variance to a development control but only where the applicant has comprehensively demonstrated in writing and/or with plans that the objective can still be achieved.

The development controls are grouped under different components of subdivision development. Within each component there are general development controls that relate to all types of proposals as well as specific development controls for different types of subdivision, being:

- **Residential** being generally related to subdivision in the residential zones.
- **Industrial** being generally related to subdivision in the industrial zones.

In applying the development controls to a particular development proposal, both the general and specific development controls to that particular location of development are applicable. Where there is conflict between a general and a specific development control, the specific development control shall apply to the extent of the inconsistency.

All subdivision proposals (Torrens, Strata and Community Title) must be consistent with the objectives and should be consistent with the development controls.

Minimum lot size

Section 4.6 of the LEP provides for exceptions to development standards, including minimum lot size for subdivision. Subsection (3) sets out the application requirements for where an exemption or variation to a development standard is sought and subsection (4) sets out Council's obligations when considering such a request. Requests for a variation of development standards relating to minimum lot size in the rural (with the exception of the RU5 Village zone) and environmental zones will be considered by Council in the first instance but ultimately determined by the Director-General of the Department of Planning and Infrastructure.

To assist Council in considering a variance to a minimum lot size development standard in the General Residential Zone (R1Z) or Village Zone (RU5) of the LEP the criteria contained within 7.8 'Lot Design' will be utilised.

Requests for reduction in lot size in other residential zones or where the minimum lot size for the R1Z is expressed as something other than 450m², will be considered by Council not to be in the public interest.

All subdivision applications will be considered against the following objectives and controls. Consequently the objectives and controls should be addressed in a development application for subdivision to the extent they are relevant to the purpose of the subdivision.

7.1 Context

Objectives

- To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area.

Controls

General

- Subdivision shall be consistent with the *Murray Shire Strategic Land Use Plan*.

Residential

- On land to which the *Moama North West Masterplan (2008)* applies, subdivision shall be consistent with the recommendations of that plan.

7.2 Neighbourhood character

Objectives

- To create urban places with identity and character.
- To design subdivisions that are consistent and compatible with existing development in the neighbourhood.
- Ensure a transition in density from lower to higher density residential areas.
- Maintain the character of average and lower density residential development in Moama on land west of Lignum Road.

Controls

General

- Subdivision to be generally consistent with the theme and character of development relating to the same land use within the vicinity of the subject development.

Residential

- On land to which the *Moama North West Masterplan (2008)* applies, consistency with the recommendations of that plan.
- Requests to vary minimum lot size on land zoned residential west of Lignum Road will be considered by Council to be inconsistent with the objectives for neighbourhood character.
- Where land zoned R1 or RU5 adjoins land zoned R2 or R5 Council will regard any of the following as inconsistent with the objectives for neighbourhood character:
 - More than two lots in the R1 or RU5 zones adjoining a single lot in the R2 or R5 zones.
 - A lot with an area of less than 1300m² in the R1 or RU5 zone adjoining a lot in R2 or R5 zone.

7.3 Staging

Objective

- To ensure the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.

Controls

General

- Where staging of a subdivision is proposed, the lodgement of a staging plan with the development application.
- Consistency with Councils Strategic Land Use Plan.
- Council will consider any subdivision that is isolated from existing services and infrastructure or remote from existing urban development as inconsistent with the objective of this control.

7.4 Movement network

Objectives

- To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport.
- To allow easy movement through and between neighbourhoods for all people.
- To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.
- To reduce car use, greenhouse gas emissions and air pollution.

Controls

General

- Compliance with the *Murray Shire Engineering Guidelines for Subdivisions and Development Standards*.
- The use of cul-de-sacs in subdivision design should only be contemplated in circumstances where constraints dictate a through street cannot be accommodated.

Residential

- On land to which the *Moama North West Masterplan (2008)* applies, consistency with the recommendations of that plan.

Industrial

- Streets and intersections to be designed to accommodate the movement and manoeuvring of heavy vehicles.

7.5 Activity centres & community facilities

Objectives

- To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.
- To provide appropriately located sites for community facilities.

Controls

General

- Subdivision shall be consistent with the *Murray Shire Strategic Land Use Plan*.

Residential

- On land to which the *Moama North West Masterplan (2008)* applies, consistency with the recommendations of that plan.

7.6 Public open space

Objectives

- To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.
- To provide a network of public open space that caters for a broad range of users.
- To encourage healthy and active communities.
- To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.

Controls

General

- Compliance with the *Murray Shire Engineering Guidelines for Subdivisions and Development Standards*.
- Applications for residential subdivision are to address the provision of Public Open Space (POS). All proposed residential subdivisions seeking consent for 25 lots or more are to provide POS on the subject site to the satisfaction of Council, unless Council is satisfied of an alternative solution which does not require additional POS to be provided. Requirement to provide POS will be assessed by Council on the merits of the application based on the following:
 - Proximity of the proposed subdivision to existing POS - No additional POS will be required if the application can suitably demonstrate that the following is safely and easily accessible to the proposed subdivision:
 - District parks, consisting of 3 ha minimum area and containing a range of recreation settings, are provided within 2 km of all dwellings within the proposed subdivision; and/or
 - Large local parks consisting of 0.4-1.0 ha minimum area provided within 500 m safe walking distance of all dwellings within the proposed subdivision; and/or
 - Small local parks consisting of 0.2 ha minimum area provided they are located within 300 m safe walking distance of all dwellings within the proposed subdivision.
 - Access to Council's recreation reserves is available within 1km of all the dwellings within the proposed subdivision
 - Connectivity of the proposed subdivision to existing POS via walking and cycling paths;
 - Capacity of the existing POS (detailed above) to cater for incoming development (or incapacity).
 - The requirement to provide new POS as part of new residential subdivisions will be at the discretion of Council.

Residential

- On land to which the *Moama North West Masterplan (2008)* applies, consistency with the recommendations of that plan.

7.7 Landscaping

Objective

- An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping for the public domain.

Controls

General

- A Landscape Plan is required to be submitted to Council detailing proposed landscaping
- On land to which Council's *Roadside Vegetation Management Plan* (2000) applies, consistency with the recommendations of that plan.
- On land to which the *Local Environmental Study – 2040 Perricoota Road, Moama* (2008) applies, consistency with the recommendations of that study.
- On land to which any *Local Environmental Study* has been prepared for Murray LEP 2011 or subsequent amendment, consistency with the recommendations of that study.
- On land identified on the *Natural Resources Sensitivity Map* in the LEP as 'Remnant Vegetation Cover', an assessment of that vegetation for biodiversity value and retention if necessary in any future development.

7.8 Lot design

Objectives

- To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.
- To provide lot design that is consistent with the character and desired density of an area
- To ensure smaller lots are located only in areas suitable for higher density housing and will consistent with the direction of the LEP.
- To provide lots for industrial and commercial purposes that allow for the appropriate siting of buildings, landscaping, parking and the manoeuvring of vehicles.
- To ensure that subdivision of commercial or industrial land is appropriately sized for the expected use and would not compromise its productive or desired use.

Controls

General

- Compliance with the *Murray Shire Engineering Guidelines for Subdivisions and Development Standards*.

Residential

- For battle-axe allotments a minimum width of the access handle is to be:
 - 3.5m for a maximum length 20 metres;
 - 4m for a maximum length 30 metres; and
 - 5m for lengths greater than 30 metres.
- Subdivisions are to be designed to maximise solar access and the number of rectangular shaped allotments
- On land to which the *Moama North West Masterplan (2008)* applies, consistency with the recommendations of that plan.
- Subdivisions must demonstrate a building envelope measuring 10 metres by 15 metres on each lot or display a dwelling to be constructed on the lot(s) consistent with the objectives and controls of Chapter 2- of this DCP.

Industrial

- Preferred minimum lot size of undeveloped land is 1300m².
- The re-subdivision of undeveloped lots within the Moama Business Park will be regarded by Council as inconsistent with the objectives of this control.
- The re-subdivision of developed lots within the Moama Business Park will be considered on their merits.

7.9 Infrastructure & services

Objectives

- To provide public utilities to each lot in an efficient manner.
- To design and implement infrastructure that minimises Council's ongoing maintenance burden.
- To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.
- To encourage Water Sensitive Urban Design techniques in new subdivisions.
- To maximise the opportunities for shared trenching.
- To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.

Controls

General

- Compliance with the *Murray Shire Engineering Guidelines for Subdivisions and Development Standards*.

Residential

- On land to which the *Moama West Infrastructure Strategy (2005)* applies, consistency with the recommendations of that strategy.
- On land to which the *Moama North West Masterplan (2008)* applies, consistency with the recommendations of that plan.

7.10 Natural hazards

Requirement

- *Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected.*

Controls

General

- On land mapped as bushfire prone, compliance with the NSW Rural Fire Service document *Planning for Bushfire Protection* (2006).
- On land identified as flood prone in the *Moama Floodplain Management Study* (1999), compliance with clause 7.8 of the LEP and the State Government's *Floodplain Development Manual* (2005).
- On land to which the *Moama Floodplain Management Study* (1999) applies, consistency with the recommendations of that study.
- On land that is, or has previously been used for viticulture, an investigation of the land for potential contamination in accordance with the requirements of *State Environmental Planning Policy No.55 – Remediation of Land*. An investigation should be in accordance with the process detailed in the State Government's *Managing Land Contamination – Planning Guidelines SEPP55 Remediation of Land* (1998).
- A chemical spray drift buffer is to be provided between existing viticulture activity and residential lots. The applicant is to submit information prepared by a suitably qualified person with the development application that demonstrates an appropriate buffer distance.

7.11 Site management

Objectives

- *To protect drainage infrastructure and receiving waters from sedimentation and contamination.*
- *To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.*
- *To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.*

Controls

General

- Compliance with the *Murray Shire Engineering Guidelines for Subdivisions and Development Standards*.
- *The Blue Book – Managing Urban Stormwater: Soils and Construction* (2004).

8. URBAN RELEASE AREAS

This chapter of the DCP applies to land shown on the Urban Release Area (URA) Map of the *Murray Local Environmental Plan 2011* (“the LEP”). This land is essentially the ‘greenfield’ development area to accommodate the future growth of Moama over the next 15 to 20 years.

The overall objective of the chapter is to ensure the logical and cost-effective development of future urban land.

The chapter is in response to the direction of the Department of Planning and Infrastructure for Council to include Part 6 in the LEP relating to *Urban release*

areas. Clause 6.3 of Part 6 prevents any development within the URA unless in accordance with a DCP that addresses a range of development matters. These requirements duplicate many of those already required by other chapters of the DCP. Consequently compliance with the DCP requirement of Clause 6.3 can be achieved by simply cross-referencing to the relevant section of other chapters in the *Murray Development Control Plan 2012*.

URA DCP REQUIREMENT	REQUIREMENTS FOR COMPLIANCE
<i>A staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing.</i>	Satisfactory response to Section 7.3 of Chapter 7 of this DCP.
<i>An overall transport movement hierarchy showing the major circulation routes and connection to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.</i>	Satisfactory response to Section 7.4 of Chapter 7 of this DCP.
<i>An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirement for both public and private domain.</i>	Satisfactory response to Section 7.7 of Chapter 7 of this DCP.
<i>A network of passive and active recreational areas.</i>	Satisfactory response to Section 7.6 of Chapter 7 of this DCP.
<i>Stormwater and water quality management controls.</i>	Satisfactory response to Section 7.9 of Chapter 7 of this DCP.
<i>Amelioration of natural and environmental hazards, including bushfire, flooding and sire contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected.</i>	Satisfactory response to Section 7.10 of Chapter 7 of this DCP.
<i>Detailed urban design controls for significant development sites.</i>	The only “ <i>significant development sites</i> ” within the URA is land zoned B2 north of the Perricoota Road/Cobb Highway intersection. Satisfactory response to Chapter 4 of this DCP.
<i>Measure to encourage higher density living around transport, open space and service nodes.</i>	Satisfactory response to Section 2.1 of Chapter 2 of this DCP.

<i>Measures to accommodate and control appropriate neighbourhood commercial and retail uses.</i>	Satisfactory response to Section 4.1 of Chapter 4 of this DCP.
<i>Suitably located public facilities and services, including the provisions for appropriate traffic management facilities and parking.</i>	Satisfactory response to Sections 7.4 and 7.5 of Chapter 7 of this DCP.

9. VEGETATION REMOVAL

This chapter of the DCP applies to vegetation removal and should be read in conjunction with sections 5.9 and 5.9AA of the LEP.

In accordance with Clause 5.9 of the LEP, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which this DCP applies, without the authority conferred by:

- A Development consent; or
- A permit granted by Murray Shire Council.

The purpose therefore of this chapter is to prescribe the species of tree and vegetation to which Section 5.9 of the LEP applies.

For the purpose of Clause 5.9 of the LEP, trees which meet the following criteria are prescribed:

- (1) located in one of the following zones or areas:

RU5- Village	R1- General Residential	R2 – Low Density Residential	R5- Large Lot Residential
B2- Local Centre	B6- Enterprise Corridor	IN1- General Industrial	SP2- Infrastructure
E3- Environmental Management (only for applications to prune / trim a tree)			

- (2) is five metres or more in height; or trunk diameter of 20cm or more one metre above the ground and;

- (3) is of the following species:

<i>Acacia pendula</i>	Weeping Myall
<i>Allocasuarina iuehannii</i>	Bulloak
<i>Brachychiton acerfolius</i>	Flame Tree
<i>Brachychiton populneus</i>	Kurrajong
<i>Callitris glaucophylla</i>	White Cypress Pine
<i>Callitris gracilis</i>	Murray Cypress Pine
<i>Corymbia Maculata</i>	Spotted Gum
<i>Corymbia Ficifolia</i>	Red Flowering Gum
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus largeiflorens</i>	Black Box
<i>Eucalyptus microcarpa</i>	Grey Box
<i>Jacaranda mimosifolia</i>	Blue Jacaranda
<i>Lagerstroemia species</i>	Crape Myrtle
<i>Ulmus species</i>	Elms

Clause 5.9 of the LEP does not apply to the following:

- (a) the clearing of native vegetation:
- (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or

For trees and vegetation not covered by this chapter, the relevant provisions of the

- *Native Vegetation Act 2003*
- *Threatened Species Conservation Act 1995*
- *National Parks and Wildlife Act 1974*
- *Forestry Act 1916*

still apply and consideration to applicable clauses within the LEP are still relevant to tree and vegetation removal required as part of a development application.

All clearing of remnant native vegetation or protected regrowth requires landholders to seek approval by obtaining a Property Vegetation Plan (PVP) from Local Land Services. NSW Local Land Services (Deniliquin Office) can be contacted on 03 5884 1400.

For further information regarding Native Vegetation refer to:

<http://www.lls.nsw.gov.au/>

<http://www.environment.nsw.gov.au/vegetation/index.htm>

Further information regarding applications for removal or pruning of trees covered by this chapter can be found at:

<http://www.murray.nsw.gov.au/your-environment-murray/trees-and-tree-removal-murray>

NOTE:

Although a particular species of tree or vegetation is nominated above, development consent may not be required to ringbark, cut down, top, lop, remove, injure or wilfully destroy it in certain circumstances. Reference should be made to Section 5.9 of the LEP to ascertain these circumstances and clarification sought from Council if necessary.

Under Section 5.9AA of the LEP consent is not required to ringbark, cut down, top, lop, remove, injure or destroy any tree or other vegetation not nominated in the above list.

10. WATERCOURSES & RIPARIAN LAND

The overall purpose of this chapter of the DCP is to provide controls for development and to minimise environmental impacts on land within or adjacent to a watercourse.

The chapter applies to land:

- mapped as “*riparian land and waterways*” on the Watercourse Map of the LEP being generally the bed and banks of a watercourse (Note whilst the boundary of the mapped “*riparian land and waterway*” may not align with the actual watercourse they should be regarded as one of the same for the purposes of applying this chapter of the DCP);
- within 40 metres of the “*top of the bank*” of a watercourse identified as a “*riparian land and waterway*” on the Watercourse Map of the LEP (Note whilst the boundary of the mapped “*riparian land and waterway*” may not align with the actual “*top of the bank*” they should be regarded as one of the same for the purposes of applying this chapter of the DCP);
- within 40 metres of the “*top of the bank*” of the Murray, Edward and Wakool rivers in the RU5, R1, R2, R5, SP3 and B2 zones of the LEP; and
- within 100 metres of the “*top of the bank*” of the Murray, Edward and Wakool rivers in the RU1, RU3 and E3 zones of the LEP.

The land to which this chapter of the DCP applies is aligned with the definitions and controls expressed in Sections 7.4, 7.5, and 7.6 of the LEP relating to development in “*river front areas*”, “*riparian land*” and “*river bed and banks of the Murray and Wakool rivers*”. Consequently interpretation of this chapter should be undertaken with reference to these sections of the LEP.¹

The term “*top of the bank*” is not defined in planning legislation or any environmental planning instrument (including the LEP). Consequently it falls to Council officers to make this interpretation when required. In most cases the “*top of the bank*” will be easily discernible, often being the erosion line or point at

which the principal bank has collapsed. This criterion is likely to be adequate to determine the “*top of the bank*” along most sections of river within the Shire. In other cases the bank can be identified simply by a distinct change in slope between land in the river bed and that which isn't. It is appreciated that in some locations the bank may be difficult to identify in which case Council will make a determination based on the available evidence and information at hand.

The objectives of the controls within this chapter are:

- to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray and rivers within Murray Shire, including the cumulative impacts and to ensure the long term sustainability of their essential biophysical function;
- to establish a consistent and co-ordinated approach to environmental assessment of proposed river structures along the River Murray and other rivers;
- to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the rivers in Murray Shire;
- to manage rivers in ways which slow, halt or reverse the overall rate of degradation in their systems;
- to maintain the beneficial use of the rivers resources but not however at the expense of the environment; and
- to implement the objectives of the local provision contained within Murray LEP 2011.

The controls in this chapter are expressed firstly as an objective Council is seeking for development within watercourses and riparian land and secondly the development controls considered by Council to deliver these objectives. Compliance with all development controls should result in consistency with the objective and consequently the granting of development consent (if other SEPP and LEP requirements are also met). In exceptional circumstances Council may consider a variance to a development control but only where the applicant has demonstrated in writing and/or with plans that the objectives can still be achieved.

¹ The exception is reference to the Edward River that was unintentionally omitted from clauses 7.5 and 7.6 of the LEP but is included for the purposes of administering this chapter of the DCP.

10.1 Visual amenity

Objectives

- *To protect the visual amenity created by the natural river environment.*
- *To avoid works and structures that have a detrimental visual impact.*

Controls

- All structures and buildings are to be designed to minimise the visual impact on the natural environment.
- Buildings and structures are to utilise building materials and colours that blend with the natural environment. Bright or reflective colours (unless necessary for safety reasons) and materials will not be supported by Council.
- Landscaping of native riparian vegetation is to be used to soften visual amenity impacts but not used as a substitute for appropriate siting of buildings and structures in the river environment

10.2 Boat ramps

Objectives

- *To restrict boat ramps to an appropriate density to provide for practical usage and accessibility.*
- *To preserve the riverine environment from artificial structures that have a detrimental affect on the ecological river system.*

Controls

- Not to be located within 10 kilometres of a public boat ramp measured via the most direct public road access.
- A comprehensive landscaping plan is to be submitted with the development application. This will restore the bank of the river with native vegetation or other less intrusive methods to the satisfaction of Council.
- Natural slopes are to be used as opposed to deep excavations so as to minimise erosion impacts.
- Ramps are to be located on inside bends or on straight sections of a waterway.
- The ramp is to be at an angle greater than 90 degrees to the downstream flow.
- The ramp is to be tied into the bed and bank of the river utilising a concrete apron into the bed and wing walls/aprons into the bank.
- All surface drainage from the boat ramp is to be directed to low flow water level by either a pipe or lined channel.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into the adjacent waterway to the satisfaction of Council.

10.3 Pontoons & walkways

Objectives

- To restrict floating pontoons, walkways and jetties on Rivers in Murray Shire.
- To preserve the riverine environment from unsightly, artificial structures that have a detrimental affect on the ecological river system.
- To ensure river structures do not impact on river traffic safety.

Controls

- Pontoons, walkways and jetties for private recreational use are not permitted.
- Pontoons and walkways will be assessed on their merits where they are fundamental and ancillary to large scale tourist developments.
- Pontoons and walkways may still be permissible within private waterways/marinas and to provide safe access to approved mooring sites.
- Pontoons and walkways for the placing of a water pumps will only be considered in exceptional circumstances where the pump is substantial and will service many properties.
- Walkways and landings are to be hinged to the high bank of the waterway and floating so they can rise and fall with the water levels.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into the adjacent waterway.
- Pontoons and walkways are to be fitted with reflective markers for the purposes of river navigation.

10.4 Retaining walls

Objectives

- To restrict retaining walls to be only installed where there are no other means of bank stabilisation.
- To preserve the riverine environment from artificial structures that have a detrimental affect on the river system in Murray Shire.

Controls

- Retaining walls will only be considered by Council if the following alternative solutions have been demonstrated to be unachievable:
 - limit access to the site
 - direct access to a small area which may be stabilised with one of the options below:
 - revegetation of the bank (particularly the toe) with aquatic reeds and grasses as well as shrubs
 - revegetate the riparian area with locally native grass, shrub and tree species (for a width of at least 20 metres from the high bank of the watercourse)
 - rock rip rap along the toe of the bank (where erosion is occurring at the toe) and revegetation of the bank face
 - construct timber groynes which allow the bank to re-establish and revegetate
- 'H' beams are to be driven into the bed of the watercourse to a minimum depth of two times greater than the height of the wall. If 'deadmen' are utilised to anchor the wall the depth of the 'H' beams can be minimised to one third that of the wall height (if designs differ from this then an engineering certificate is to be provided to prove stability of the structure).
- An engineering certificate is also to be provided for any structure exceeding one metre in height (so as to confirm structural stability).
- Geotextile material is to be placed between the wall and the bank so as water movement can occur freely but soil movement is hindered.

Objectives**Controls**

- Clean fill only is to be utilised between the wall and the bank.
- The wall is to be adequately tied into existing bank at a stable point or to adjacent works to prevent any under or back cutting occurring.
- The bottom panel of the wall is to be sunk into the bed of the river so as undercutting is minimised.
- Drainage from the immediate surrounding area is to be conveyed by pipe or lined channel to low water level and not be discharged above this level.
- Any batters are to be constructed to a suitable grade (slopes should not be greater than 1 vertical to 3 horizontal). These batters are to be stabilised with suitable vegetation.

10.5 Stairs**Objectives**

- *To allow pedestrian access to the river that is both appropriate and non destructive to the river bank.*

Controls

- If cut into the river bank the stairs are to be at an angle greater than 90 degrees to the downstream flow.
- Steps cut into the bank are only to be approved where no other acceptable method is viable.
- Cut steps are not to be approved on outside bends or eroding banks.
- All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into the adjacent waterway.

10.6 Moorings**Objectives**

- *To implement Council's mooring management plan.*
- *To control the approval of new moorings and ensure that new moorings are appropriately located.*
- *To ensure new moorings do not adversely impact on river traffic safety.*
- *To minimise the environmental impact caused by moorings.*

Controls

- Moorings can not be transferred from private marinas to the Murray River.
 - The mooring is to be constructed at a stable point in the river i.e. at a site not prone to erosion or an outside bend of a river.
 - Moorings are to be hinged to the high bank of the waterway and floating so they can rise and fall with the water levels.
 - Deep water or weir pools are the preferred location for moorings.
 - All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry of sediments into the adjacent waterway.
 - All mooring locations are to be situated at a safe and appropriate location in consultation with relevant agencies.
 - Applications are to detail compliance with the Mooring Management Plan.
- Council will use the following criteria in assessing applications for moorings:
- If the mooring or mooring structure is located within the Murray River, whether it is located in a NSW Maritime designated mooring zone.
 - No more than one mooring or mooring structure per lot or holding is permitted (this does not apply to a marina).
 - Site analysis and design response given location and site specific constraints.

Objectives**Controls**

- Written referral comments from relevant government departments and agencies.
- Whether the proposed works are likely to impact upon Aboriginal or European cultural heritage, including known maritime archaeological sites.
- Visual impact issues.
- Vehicle and pedestrian access issues.
- Waste management issues.
- Whether the connection of services is proposed and the impact of any necessary works.
- Whether there are any cumulative impacts.

10.7 Liability & public safety**Objectives**

- *To protect the public from harm or injury from using approved river structures.*

Controls

- All pontoons or walkways are to be provided with an engineer's certificate validating the structural integrity.
- All private structures are to have restricted access and appropriate signage to prohibit unauthorised use.
- Owners of public facilities are to supply Council with a copy of their public liability insurance.

10.8 Landscaping**Objectives**

- *To restore the riverine vegetation within the Murray Shire.*
- *To screen buildings and structures from the river.*

Controls

- All development applications are to include a landscaping plan.
- Landscaping must utilise indigenous species of riparian vegetation.
- Where land is degraded, landscaping shall include measures to rehabilitate these areas.
- Landscaping must be designed to screen or at least soften the appearance of buildings and structures.

10.9 Unauthorised structures**Objectives**

- *To remove any unauthorised structures.*

Controls

- All unauthorised structures must be removed from the watercourse. No retrospective development approvals will be issued on existing structures.
- All removal of structures and remediation work is at the expense of the land owner.
- Any disturbance to the bank of the watercourse or surrounding area shall be rehabilitated at the land owner's expense and undertaken to the satisfaction of Council.

11. FLOOD PRONE LAND

This chapter applies to land use and development on flood prone land within the Shire. For the purposes of this chapter, “*flood prone land*” is defined as land susceptible to flooding in Probable Maximum Flood (PMF) event.

Outside of Moama the extent of flooding in a PMF is not known and consequently Council will use its discretion in applying this chapter of the DCP to land considered to potentially lie between the 1 in 100 year ARI flood level and the PMF.

This chapter should be read in conjunction with Section 7.8 of the LEP.

11.1 Objectives

The objectives of this chapter are to:

- (a) provide detailed controls and criteria for the assessment of development applications on land affected by flooding in Murray Shire;
- (b) consolidate existing flood planning principles and policies from relevant government agencies into a coherent framework for application at the development control level by Murray Shire Council;
- (c) reduce the impact of flooding and flood liability on individual property owners and occupiers;
- (d) reduce private and public losses resulting from flooding;
- (e) restrict the intensification of development below the Flood Planning Level (FPL);
- (f) limit development below the FPL to those activities and works considered to have an essential relationship with the river and its floodplain;
- (g) provide specific measures for the control of caravan parks and associated development types within flood affected areas;
- (h) provide for the consideration of the cumulative effects of any development on flood affected land, which in or of itself may be considered to be insignificant;
- (i) provide for and protect the natural passage, storage and quality of flood waters;
- (j) recognise and help sustain the natural ecosystems of floodplains and riparian zones

- including the protection of associated vegetation and wetlands;
- (k) inform the community as to the extent and hazard of flood affected land in Murray Shire;
- (l) deal consistently with applications for development on flood affected land, generally in accordance with the *Floodplain Management Manual: The Management of Flood Liable Land* issued by the New South Wales Government 2005; and
- (m) encourage the development and use of land which is compatible with the indicated flood hazard.

11.2 Decision guidelines

Proposed developments will be considered on their merits in terms of flooding impacts. Issues to be taken into consideration regarding the particular merits of development on flood liable land include the following:

- Whether the proposed development is reasonable having regard for the flood risk and resources available to the location. Applicants should place no reliance on the implementation of a condition specifying a private evacuation/flood management plan as a means to overcome an unacceptable flood risk.
- The need for a benefit/cost assessment that takes account of the full cost to the community of the flood response and flood damage likely to be incurred to the development and upon other development.
- Specific principles relating to flood liable land contained within *Murray Regional Environmental Plan No.2 - Riverine Land* (MREP2) including:
 - the benefits to riverine ecosystems of periodic flooding;
 - the hazard risks involved in the development of that land;
 - the redistribution effect of the proposed development on floodwater;
 - the availability of other suitable land in the locality not liable to flooding;
 - the availability of flood free access for essential facilities and services;

- the pollution threat represented by any development in the event of a flood;
 - the cumulative effect of the proposed development on the behaviour of floodwater;
 - the cost of providing emergency services and replacing infrastructure in the event of a flood; and
 - flood mitigation works constructed to protect new urban development should be designed and maintained to meet the technical specifications of the NSW government department responsible for such works.
- The *Floodplain Development Manual – the Management of Flood Liable Land (2005)*

11.3 Consultation

Council may consult with relevant authorities on any development proposal received for flood liable land which, in the opinion of Council, may affect the flow of floodwaters, including:

- Murray Catchment Management Authority (MCMA)
- NSW Office of Water
- Local Floodplain Management Committee
- Murray Darling Basin Authority (MDBA)
- North Central Catchment Management Authority (Victoria) for land within and downstream of Moama
- Goulburn Broken Catchment Management Authority (Victoria) for land upstream of Moama
- Campaspe, Moira & Gannawarra Shire Councils (Victoria)

11.4 Flood Planning Areas

Within the flood prone land there are three Flood Planning Areas.

Flood Planning Area 1 (FPA1) is defined as land considered to be subject to inundation in a 1 in 200 year ARI flood within the area to which the *Moama Floodplain Management Study 1999* applies (see Figure 11.1). The flood level that determines the extent of FPA1 is the height of 95.58 metres AHD measured at the Echuca Wharf. This level is adopted

to best assimilate the Flood Planning Level (FPL), which is defined in the LEP as the 1 in 100 year ARI flood plus a minimum 0.5 metre freeboard.

For the purposes of applying development controls to FPA1, two hydraulic categories of flood prone land (flood storage and floodway) and two hazard categories (low and high) have been identified. In combination, these categories provide for four separate categories within which issues relating to land use and development in FPA1 can be assessed. These categories are Low Hazard Flood Storage, High Hazard Flood Storage, Low Hazard Floodway and High Hazard Floodway (see Table 1).

Table 1 summarises their characteristics of these categories and the maps contained within the Moama Floodplain Management Plan and Study provide guidance in respect to the location of these categories. The category which development will be assessed against will need to be determined at the development application stage, based on the flooding characteristics at the subject site.

Flood Planning Area 2 (FPA2) is defined as land in the *Moama Floodplain Management Study 1999* between FPA1 and that inundated in an “*extreme flood*” or Probable Maximum Flood (PMF) (see Figure 11.2).

It is not possible to accurately map the limits of flooding in a PMF event. Consequently Council will use its discretion in determining whether land to which a proposal relates is within the PMF and therefore subject to the controls of this chapter of the DCP.

Generally, it is not physically or economically possible to provide complete protection against this event and consequently the PMF is identified for the purpose of flood awareness and emergency response rather than development control.

However, applications for development within FPA2 should still address the impact on flood waters as well as the risk of flooding to public safety and potential evacuation routes in the event of a PMF occurring.

Council will utilise the State Government’s 2005 *Floodplain Development Manual* as a guide to determine the impacts of an extreme flood or PMF on development in FPA2.

Flood Planning Area 3 (FPA3) is defined as that land in the Shire not included in the *Moama Floodplain Management Study* (i.e. not in FPA1 or FPA2) but

mapped in the Murray LEP 2011 as Flood Planning Area (FPA).

This area has been mapped on the basis of data provided by the Department of Natural Resources for the Tuppal Bullatale Floodways and Edward Wakool Floodways S1 as well as the *Murray River Flood Plain*

Atlas (Department of Water Resources & Rural River Commission of Victoria 1987).

Council will utilise the decision guidelines expressed in 11.2 above as the principal means of assessing applications for development within FPA3.

11.5 Definitions

The definitions of terms used in this chapter are as follows. In some cases they are modified from those used in the *Floodplain Management Manual*.

Annual Exceedance Probability (AEP)	Is the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. For example if a peak flood discharge of 500m ³ /s has an AEP of 5%, it means that there is a 5% chance (that is 1-in-20 chance) of a 500m ³ /s or larger events occurring in any one year (see ARI).
Average Recurrence Interval (ARI)	Is the long-term average number of years between the occurrence of a flood as big as or larger than the selected event. For example, floods with a discharge as great as or greater than the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event (see AEP).
Flood Planning Area (FPA)	Is the area or areas to which planning controls relating to flooding apply (i.e. flood liable land). For the purposes of this chapter of the DCP there are three FPA's identified.
Flood Planning Level (FPL)	The FPL is the level 500mm above a 1% AEP or 1 in 100 Year ARI flood event. The height of the 1% AEP was modelled in the <i>Moama Floodplain Management Study 1999</i> based on a height of 95.34 metres AHD at the Echuca Wharf gauge (see Attachment 1).
Flood storage areas	Flood storage areas are those parts of the floodplain utilised for the temporary storage of floodwaters during the passage of a flood. Substantial reduction of the capacity of flood storage in an area may cause a significant redistribution of flood flows or increase peak discharge downstream.
Floodway areas	Floodways are those areas where a significant volume of water flows during flood events and are often aligned with obvious natural channels. They are areas that, even if only partially blocked, would cause a significant increase in flood levels and/or a significant redistribution of flood flow, which may in turn adversely affect other areas. They are often, but not necessarily, areas with deeper flow or areas where higher velocities occur.
Probable Maximum Flood (PMF)	The PMF is mapped as the "extreme flood" in Attachment 1 and was derived by modelling a flood with peak discharge and volume twice that of the one percent flood down the Murray, Goulburn and Campaspe Rivers ² . The PMF is the largest flood that could conceivably occur, usually estimated from probable maximum precipitation coupled with the worst flood producing catchment conditions. Generally, it is not physically or economically possible to provide complete protection against this event and consequently the PMF is identified for the purpose of flood awareness and emergency response rather than development control.
Low hazard	Low hazard refers to the depth and velocity of flood waters that should it be necessary, trucks could evacuate people and their possessions, able bodied adults would have little difficulty in wading to safety. Water depths are less than 1.0m
High hazard	High hazard refers to the depth and velocity of flood waters where there is possible danger to personal safety, evacuation by trucks difficult, able bodied adults would have difficulty in wading to safety, potential for significant structural damage to buildings. The depth of flood waters are generally 1.0m or more.

² Section 3.2.2 Moama Floodplain Management Study 1999

TABLE 1: GUIDANCE & CONTROLS APPLICABLE TO TYPES OF DEVELOPMENT IN FPA1

	Nature of flooding	Flooding implications	General	Flood control works	Residential, commercial & industrial development	Caravan parks & tourist developments
Low Hazard Flood Storage	<p>a) Water depths are less than 1.0m</p> <p>b) Should it be necessary, people and their possessions can be evacuated by trucks</p> <p>c) Able-bodied adults would have little difficulty in wading to safety.</p> <p>d) Damage potential is low</p> <p>e) Refer to maps contained within the Moama Floodplain Management Plan and Study as a guide to areas potentially affected by low hazard flood storage</p>	<p>a) The impact of new development on flood storage and therefore flood behaviour needs to be addressed.</p> <p>b) Suitable for developments subject to evaluation of cumulative impact, except for some special use developments which by their nature are sensitive to flooding or where the use is especially necessary in times of flooding.</p>	<p>i. No intensification of existing development will be permitted which is likely to cause a significant reduction in flood storage capacity or change in flood behaviour.</p> <p>ii. Council may consult with the NSW Office of Water and the appropriate Victorian Catchment Management Authority in determining whether a development proposal is likely, either independently or in combination with other similar developments, to cause a significant reduction in flood storage capacity or change in flood behaviour.</p>	<p>i. Some flood control works may be referred to the NSW Office of Water as integrated development. If approved, the NSW Office of Water will issue their General Terms of Approval (GTA's) that will appear as conditions on any consent granted by Council.</p> <p>ii. Construction will conform to an accredited standard approved by the NSW Office of Water and/or Council.</p> <p>iii. Existing licensed flood control works will not be limited in height.</p> <p>iv. Internal flood control works within a licensed levee are permitted in accordance with the restriction applying to the current licences.</p> <p>v. Ring levees protecting dwellings and associated outbuildings of unlimited height will be permitted up to 1ha in area.</p>	<p>i. Floor levels will be at least the height of the FPL.</p> <p>ii. Any part of the new dwelling or addition below that floor level shall be constructed from flood compatible materials.</p> <p>iii. Non-habitable and minor additions may be permitted on flood liable land provided any part of the new building or structure below that level is built from flood compatible materials.</p>	<p>i. Floor levels of any permanent structures/amenities will be at least the height of the FPL.</p> <p>ii. Access roads will not be built up more than 100mm above natural ground level.</p> <p>iii. All services to the development shall be designed to withstand inundation and the force of floodwaters.</p> <p>iv. All services to the development shall be designed to be capable of being disengaged and sealed in times of flooding to prevent contamination of floodwaters.</p> <p>v. All applications shall be accompanied with a report from a suitably qualified engineer, demonstrating that all moveable dwellings can either be rapidly relocated to flood-free ground, or can withstand the force of flood waters without significantly affecting flood behaviour or river water quality.</p>

	Nature of flooding	Flooding implications	General	Flood control works	Residential, commercial & industrial development	Caravan parks & tourist developments
						<ul style="list-style-type: none"> vi. Existing developments liable to flooding must have the ability to be evacuated at short notice in times of flooding. A flood emergency and evacuation plan will be required to be submitted with applications for new developments. vii. Existing developments shall be required to implement a flood emergency and evacuation plan.
High Hazard Flood Storage	<ul style="list-style-type: none"> a) The depth of floodwaters can generally be 1m or more. b) The velocity of floodwaters is low; in effect the floodwater forms a pond. c) Evacuation of people and persons may be difficult and require boat or helicopter, often at some risk to the operators. d) There may be danger to personal safety. e) Social disruption and financial loss could be high. f) Refer to maps contained within the Moama 	<ul style="list-style-type: none"> a) The impact of new developments on flood storage and flood behaviour needs to be addressed. b) Whilst new development is not generally considered appropriate in a high hazard area, it may be acceptable under certain conditions. Such conditions should be based on a detailed review of the impact of the development on flooding and the potential hazard to the proposed development. 	<ul style="list-style-type: none"> i. No intensification of development on land below the FPL will be permitted which is likely to place the owner or occupants (including their property) at risk from flooding or generate demand for emergency services or place others involved in evacuation at risk. ii. Council may consult with relevant government agencies in determining whether a development proposal is likely, either independently or in combination with other similar developments, to cause a significant 	<ul style="list-style-type: none"> i. Some flood control works may be referred to the NSW Office of Water as integrated development. If approved, the NSW Office of Water will issue their General Terms of Approval (GTA's) that will appear as conditions on any consent granted by Council. ii. Construction will conform to an accredited standard approved by the NSW Office of Water and/or Council. iii. Existing licensed flood control works will not be limited in height. iv. Internal flood control works within a licensed 	<ul style="list-style-type: none"> i. Development shall be restricted to necessary rural dwelling houses and associated outbuildings. ii. Floor levels to be at least the height of the FPL. Any part of the new dwelling or addition below that floor level shall be constructed from flood compatible materials. iii. Non-habitable and minor additions may be permitted below the FPL, provided any part of the new building or structure below that level is built from flood compatible materials. 	<ul style="list-style-type: none"> i. Special consideration should be given to caravan parks because :- <ul style="list-style-type: none"> - they are often difficult to evacuate, a fact compounded by permanent vans, visitors lacking flood awareness; - caravans are easily damaged; and - caravans can float away and obstruct bridge waterways or create other hazards ii. Primitive camping grounds will be considered provided that any permanent facilities associated with the provision of a water supply, toilet and refuse

	Nature of flooding	Flooding implications	General	Flood control works	Residential, commercial & industrial development	Caravan parks & tourist developments
	<p>Floodplain Management Plan and Study as a guide to areas potentially affected by high hazard flood storage</p>		<p>reduction in flood storage capacity or change in flood behaviour.</p> <p>iii. Where new development has potential to cause a significant reduction in flood storage capacity or change in flood behaviour, the proponent will need to demonstrate the proposal will not cause a significant increase in flood levels or flood hazard. Need to also provide adequate compensating works for flood storage, together with an engineering report and a detailed environmental study to support the application.</p> <p>iv. The feasibility of effective evacuation is to be demonstrated to Council including permanent, fail-safe, measures to ensure the timely, orderly and safe evacuation of people from the area. It is also to be demonstrated that the displacement of these people will not significantly add to the overall cost and community disruption caused by the flood.</p>	<p>levee are permitted in accordance with the restriction applying to the current licences.</p> <p>v. Ring levees protecting dwellings and associated outbuildings of unlimited height will be permitted up to 1ha in area.</p>	<p>iv. All applications must be accompanied by a report from a structural or civil engineer, demonstrating that the building or structure can withstand the force and duration of flood waters in a flood of 0.5% AEP, including debris and buoyancy forces as appropriate. As part of the consulting engineers' report, it will be necessary to demonstrate to the satisfaction of Council that fail-safe access for the evacuation of occupants is available.</p> <p>v. The application must be able to demonstrate that the development would not impede the free flow of water so as to have an impact on adjoining properties or the distribution of floodwaters in the floodplain.</p>	<p>disposal are in keeping with the basic needs of the camping ground, and can be shown to withstand the force and duration of flooding in a flood of 0.5% AEP, and will not adversely impact on river water quality under flood conditions.</p> <p>iii. No approval will be considered for any permanent facilities associated with caravan parks or tourist accommodation, including:</p> <ul style="list-style-type: none"> - permanent or non-flexible connection to services such as power, water and sewerage; - permanent residency areas of caravan parks; - relocatable homes (homes not being capable of being registered under the Traffic Act); - the subdivision of lots for separate occupation sites; and - permanent flood control works.

	Nature of flooding	Flooding implications	General	Flood control works	Residential, commercial & industrial development	Caravan parks & tourist developments
Low Hazard Floodway	<p>a) Water depths are less than 1m</p> <p>b) Should it be necessary, trucks can evacuate people and their possessions</p> <p>c) Able bodied adults would have little difficulty in wading to safety</p> <p>d) Damage potential would be low.</p> <p>e) Refer to maps contained within the Moama Floodplain Management Plan and Study as a guide to the location of low hazard floodway's</p>	<p>a) It is necessary to check the impact of new developments on the depth, velocity or distribution of floodwaters.</p>	<p>i. No intensification of development will be permitted which is likely to place the owner or occupants (including their property) at risk from flooding or generate demand for emergency services and placing others involved in evacuation at risk.</p> <p>ii. Council may consult with relevant government agencies in determining whether a development proposal is likely, either independently or in combination with other similar developments, to cause a significant reduction in flood storage capacity or change in flood behaviour.</p> <p>iii. The developer or property owner should demonstrate that any building or structure could withstand the force of flowing floodwaters, including debris, buoyancy forces as appropriate. A detailed report from an appropriate consulting engineer is required to support a development application.</p> <p>iv. New development will not</p>	<p>i. No new levees or flood control works to be permitted within floodways.</p> <p>ii. Individual ring levees of unlimited height around existing rural dwellings and associated outbuildings are permitted.</p> <p>iii. Ring levees shall not be located more than 10 metres from private dwellings.</p> <p>iv. Existing unlicensed flood control works and impediments to flood flows to be removed and no future flood control works to be permitted.</p> <p>v. Existing licensed flood control works are to be limited to their current height or equivalent 1993 flood level, which ever is the lower.</p> <p>vi. Internal flood control works within a licensed levee are permitted in accordance with the conditions applying to the current licence.</p>	<p>i. Commercial or industrial buildings are unsuitable for a low hazard floodway.</p> <p>ii. Dwelling houses must have a floor level at least the height of the FPL. Any part of the new dwelling or addition below that floor level shall be constructed from flood compatible materials.</p> <p>iii. Non habitable and minor additions may be permitted below the FPL provided any part of the new building or structure below that level is built from flood compatible materials.</p> <p>iv. Internal alterations, maintenance and minor repairs to existing structures are permitted.</p> <p>v. Minor additions to existing dwellings will be considered on merit for each individual application.</p> <p>vi. Non-habitable additions and outbuildings are not permitted.</p> <p>vii. Redevelopment of substantially damaged buildings by a flood event will only be permitted if the applicant is able to</p>	<p>i. Special consideration should be given to caravan parks because:</p> <ul style="list-style-type: none"> - they are often difficult to evacuate, a fact compounded by permanent vans and visitors lacking flood awareness; - caravans are easily damaged; and - caravans can float away and obstruct bridge waterways or create other hazards. <p>ii. Primitive camping grounds will be considered provided that any permanent facilities associated with the provision of a water supply, toilet and refuse disposal are in keeping with the basic needs of the camping ground, and can be shown to withstand the force and duration of flooding, and will not adversely impact on river water quality under flood conditions.</p> <p>iii. No approval will be considered for any permanent facilities associated with caravan parks or tourist</p>

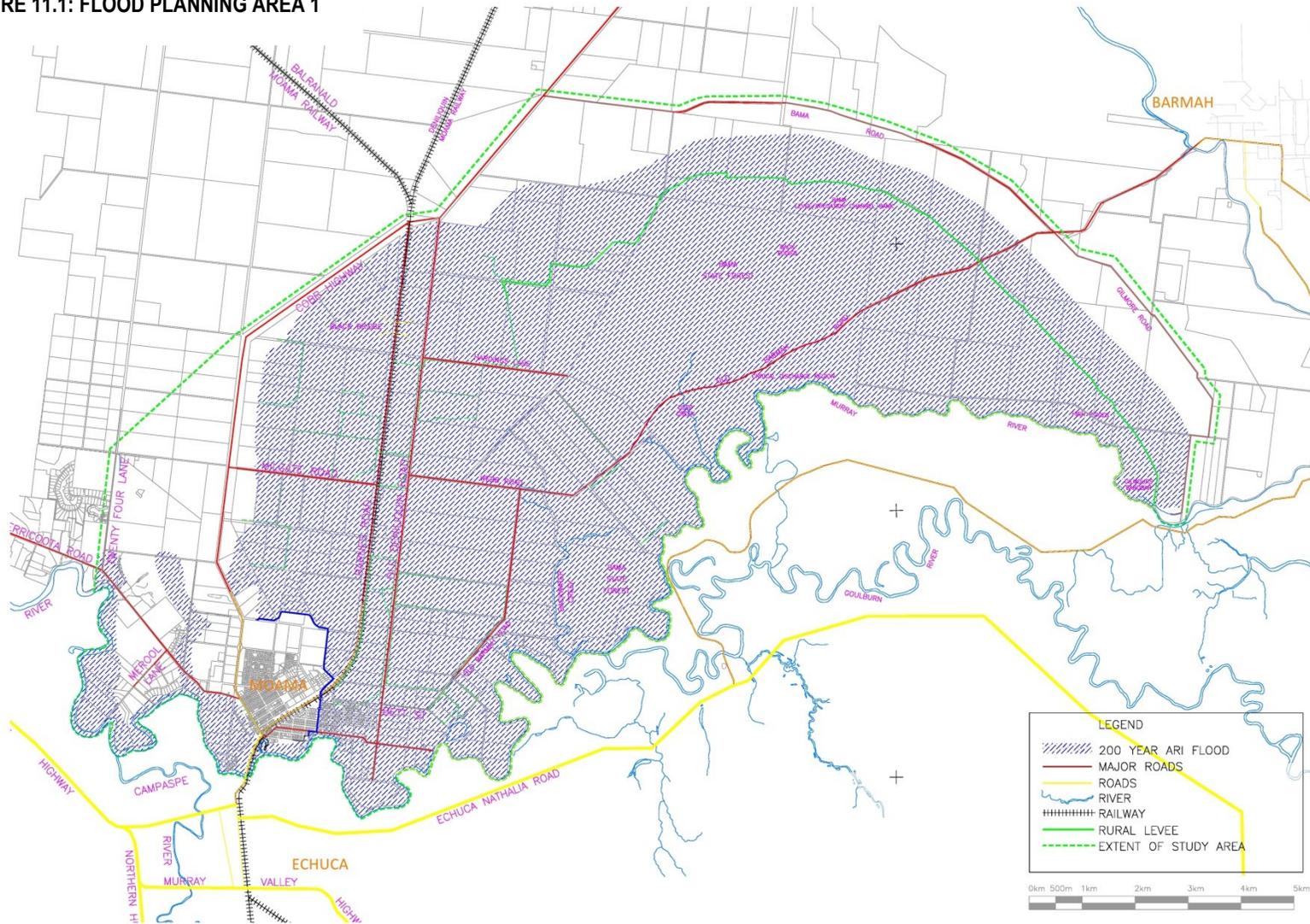
	Nature of flooding	Flooding implications	General	Flood control works	Residential, commercial & industrial development	Caravan parks & tourist developments
			<p>be supported within floodway areas.</p> <p>v. Where new development is likely to cause a significant reduction in flood storage capacity or change in flood behaviour, proponent will need to demonstrate a proposal will not cause a significant increase in flood levels or flood hazard (including cumulatively with future similar developments).</p> <p>vi. Need to also provide adequate compensating works for flood storage, together with engineering report and a detailed environmental study to support the application.</p> <p>vii. The feasibility of effective evacuation is to be demonstrated to Council including permanent, fail-safe, measures to ensure the timely, orderly and safe evacuation of people from the area. It is also to be demonstrated that the displacement of these people will not significantly add to the overall cost and community disruption caused by the flood. Council may also consult</p>		<p>demonstrate that the proposed development will be reconstructed in a manner compatible with the flood risk.</p> <p>viii. Where a dwelling has previously existed on a property any replacement dwelling must have a similar building footprint. Additions/alterations to an existing building footprint must comply with appropriate conditions above.</p> <p>ix. New buildings should be aligned to minimise impacts on the flow and/or passage of floodwaters.</p>	<p>accommodation, including:</p> <ul style="list-style-type: none"> - permanent or non flexible connection to services such as power, water and sewerage; - permanent residency areas of caravan parks; - relocatable homes (homes not being capable of being registered under the Traffic Act); - the subdivision of lots for separate occupation sites; and - permanent flood control works.

	Nature of flooding	Flooding implications	General	Flood control works	Residential, commercial & industrial development	Caravan parks & tourist developments
			the SES, and be provided by the proponent with a detailed engineering report and environmental study to support the application.			
High Hazard Floodway	<p>a) The depth and velocity of floodwaters are such that buildings could sustain major structural damage and in extreme cases, light framed houses could be washed away.</p> <p>b) The depth of floodwaters are generally 1m or more</p> <p>c) There could be major difficulties and dangers in evacuating people and their possessions.</p> <p>d) There may be danger to personal safety. Social disruption and financial loss could be very high.</p> <p>e) Refer to maps contained within the Moama Floodplain Management Plan and Study as a guide to the location of high hazard floodways</p>	<p>a) New development is generally not considered appropriate in a high hazard floodway.</p> <p>b) The impact of any proposed development on the floodway and therefore on flood behaviour must be addressed.</p>	<p>i. No intensification of development will be permitted which is likely to place the owner or occupants and their property, at risk from flooding or generate demand for emergency services and placing others involved in evacuation at risk.</p> <p>ii. Council will consult with relevant government agencies in determining whether a development proposal is likely, either independently or in combination with other similar developments, to cause a significant reduction in flood storage capacity or change in flood behaviour.</p> <p>iii. New developments are not suitable in high hazard floodways.</p> <p>iv. Where new development is likely to cause a significant reduction in flood storage capacity or change in flood behaviour, proponents will</p>	<p>i. No new levees or flood control works to be permitted within floodways.</p> <p>ii. Individual ring levees of unlimited height around existing rural dwellings and associated outbuildings are permitted.</p> <p>iii. Ring levees protecting private dwellings will be located no more than 10 metres from the building.</p> <p>iv. Existing unlicensed flood control works and impediments to flood flows to be removed and no future flood control works to be permitted.</p> <p>v. Existing licensed flood control works are to be limited to their current height or equivalent 1993 flood level whichever is the lower.</p> <p>vi. Internal flood control works within a licensed levee are permitted in accordance with the restriction applying to the</p>	<p>i. New dwellings, commercial and industrial buildings, are not suitable for high hazard floodway's.</p> <p>ii. Internal alterations, maintenance and minor repairs to existing structures are permitted.</p> <p>iii. Major additions are not encouraged and applicants must comply with all conditions listed in general above.</p> <p>iv. Minor additions to existing dwellings will be considered on merit for each individual application.</p> <p>v. Proposed buildings should be aligned to compliment the flow and/or passage of floodwaters.</p> <p>vi. Non-habitable additions and outbuildings are not permitted.</p> <p>vii. Redevelopment of substantially damaged buildings will only be permitted if the applicant is able to demonstrate</p>	<p>i. Primitive camping grounds will be considered provided that any permanent facilities associated with the provision of a water supply, toilet and refuse disposal are in keeping with the basic needs of the camping ground, and can be shown to withstand the force and duration of flooding, and will not adversely impact on river water quality under flood conditions.</p> <p>ii. No approval will be considered for any permanent facilities associated with caravan parks or tourist accommodation, including:</p> <ul style="list-style-type: none"> - permanent or non flexible connection to services such as power, water and sewerage; - permanent residency areas of caravan parks; - relocatable homes (homes not being capable of being registered under the Traffic Act); - the subdivision of lots for

	Nature of flooding	Flooding implications	General	Flood control works	Residential, commercial & industrial development	Caravan parks & tourist developments
			<p>need to demonstrate proposal will not cause a significant increase in flood levels or flood hazard (including cumulatively with future similar developments).</p> <p>v. Need to also provide adequate compensating works for flood storage, together with engineering report and a detailed environmental study to support the application.</p> <p>vi. The feasibility of effective evacuation is to be demonstrated to the consent authority including permanent, fail-safe, measures to ensure the timely, orderly and safe evacuation of people from the area. It is also to be demonstrated that the displacement of these people will not significantly add to the overall cost and community disruption caused by the flood. Council may also consult the SES, and be provided by the proponent with a detailed engineering report and environmental study to support the application.</p> <p>vii. The developer or property</p>	<p>current licences.</p>	<p>that the proposed development will be reconstructed in a manner compatible with the flood risk.</p> <p>viii. Where a dwelling has previously existed on a property any replacement dwelling must have a similar building footprint. Additions/alterations to an existing building footprint must comply with appropriate conditions above.</p>	<p>separate occupation sites; and</p> <p>- permanent flood control works.</p>

	Nature of flooding	Flooding implications	General	Flood control works	Residential, commercial & industrial development	Caravan parks & tourist developments
			owner should demonstrate that any building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate. A detailed report from an appropriate consulting structural engineer is required to support a development application.			

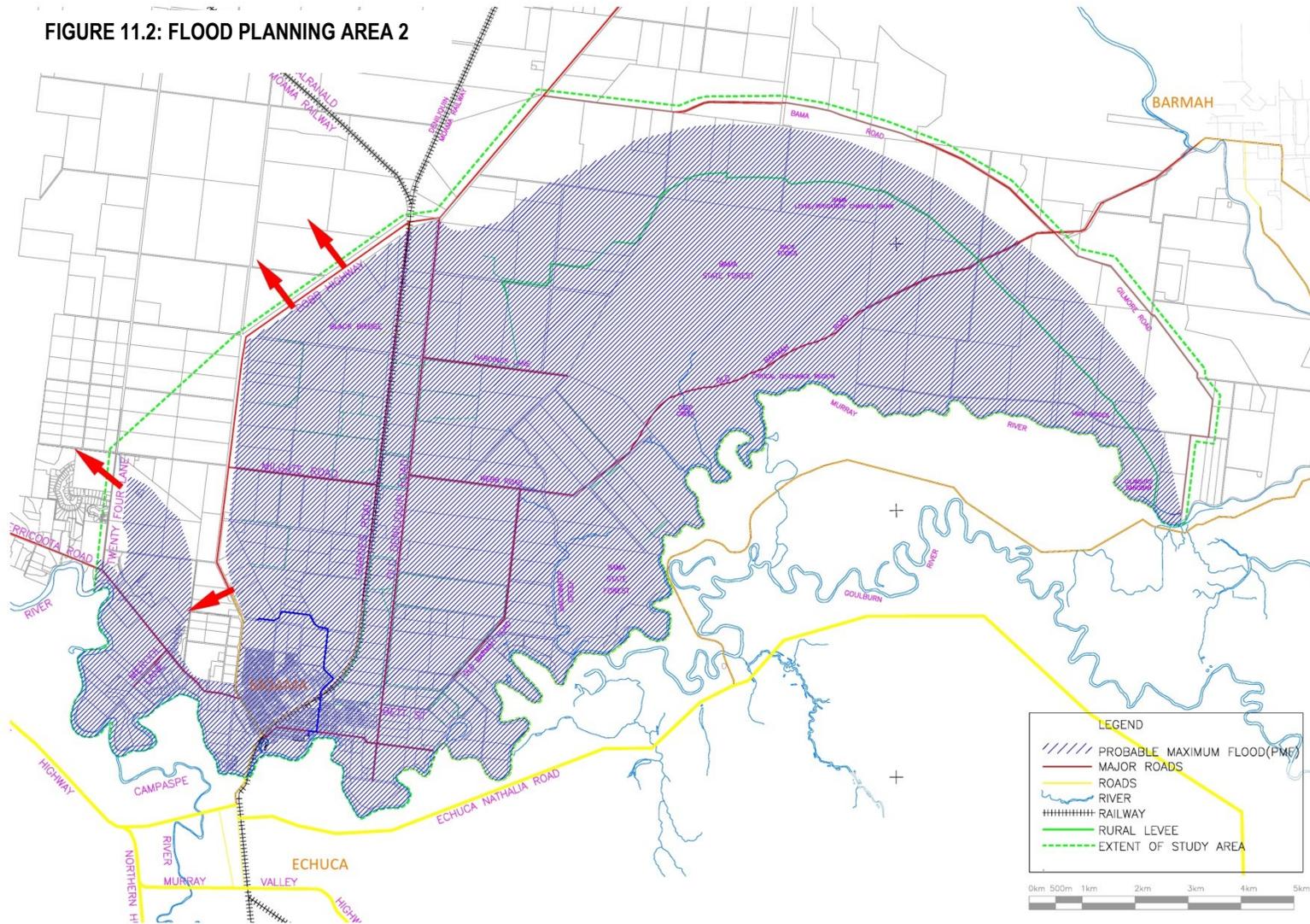
FIGURE 11.1: FLOOD PLANNING AREA 1



Adapted from Moama Floodplain Management Study 1999

Adapted from Moama Floodplain Management Study 1999

FIGURE 11.2: FLOOD PLANNING AREA 2



Adapted from Moama Floodplain Management Study 1999

12. NOTIFICATION POLICY

This chapter of the DCP applies to Council's policy for notifying development matters.

Whilst a Notification Policy does not relate to 'development control' as such, there are several references throughout the *Environmental Planning and Assessment Act 1979* relating to the process of notifying various development matters via the requirements of a DCP.

The purpose therefore of this chapter is ensure that notification procedures are incorporated in a DCP to allow for administration of the legislation.

12.1 Objectives

The objectives of this chapter are to:

- establish an efficient and effective process for public notification and advertising, which will minimise delays in the processing of development applications and improve the quality of decisions;
- maintain the community's right to participate in the development assessment process;
- clarify the circumstances in which a development application does not require public notification or advertising; and
- detail the form of and requirements for public notification and advertising.

12.2 Development applications requiring notification

Notification or advertising will be required for development applications for development of a type listed in Table 12.1.

Notification or advertising will not be required for development proposals that:

- qualify as 'exempt development' (see section 3.1 of the LEP);
- are processed as 'complying development' (see section 3.2 of the LEP);
- represent minor alterations to an existing building that will not result in changes to the height, elevations or facade;
- applications under section 96(1) of the *Environmental Planning and Assessment Act 1979* being a modification to a development consent involving the

correction of minor errors, mis-descriptions or miscalculations;

- applications under section 96(1A) of the *Environmental Planning and Assessment Act 1979* being a modification to a development application involving minimal environmental impact;
- in the opinion of the responsible Council officer, will not detrimentally affect the amenity of persons who own or occupy adjoining or neighbouring land, in terms of the matters, listed in 12.3 of this chapter.

12.3 Notification requirements

Who will be notified?

Notification or advertising will occur where, in the responsible Council officer's opinion, the enjoyment of adjoining or neighbouring land may be detrimentally affected, in terms of the matters listed below, by the proposed development. Where required, a notification letter will be sent to the affected owners of relevant land. In addition, in some instances it maybe pertinent to notify the affected occupiers of the relevant land.

In identifying the owners of land, Council will rely on the information within its property system, as per the day of preparing the notification letter. In certain circumstances, Council will, at its discretion, undertake wider notification of a development application. During the exhibition period, exhibition material can also be viewed at Council's Office in Mathoura (and Moama by special arrangement).

Determining the extent of notification

Council will give notice of a development application to owners or occupiers of adjoining or neighbouring land to the development site where, in the responsible Council officer's opinion, the enjoyment of the land may be detrimentally affected by or in relation to:

- a) views to and from the land;
- b) overshadowing;
- c) privacy;

- d) air pollution, in terms of dust, odour, smoke and the like;
- e) noise;
- f) the visual quality of the building in relation to the streetscape;
- g) the scale or bulk of the proposed building;
- h) the siting of the proposed development in relation to the site boundaries;
- i) hours of use;
- j) light spillage or reflection;
- k) means of access to or provision of parking on the development site;
- l) proposed changes to any easement that may impact the adjoining or neighbouring land;
- m) the height, materials and position of fences erected on a boundary;
- n) traffic generation; or
- o) suitability of the land for the proposed development.

Public notification and advertising period

If notification is required, the exhibition period for a development application is a minimum of **14 days** unless otherwise specified by the *Environmental Planning and Assessment Act 1979* or *Environmental Planning and Assessment Regulation 2000* or an environmental planning instrument such as the LEP or State Environmental Planning Policy (SEPP). This is further detailed in Table 12.1.

The public notification requirements, as detailed in Table 12.1, may consist of one or a combination of the following:

- notification letter(s),
- local newspaper(s) advertisement(s),
- site sign (at the discretion of the authorised officer), and
- public authority notification.

If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to be a written notice to all the owners and occupiers of that land.

If land is a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973*, a written notice to the owners corporation is taken to be a written notice to the owner or occupier of

each lot within the strata scheme. If land is a lot within the meaning of the *Strata Schemes (Leasehold Development) Act 1986*, a written notice to the lessor under the leasehold strata scheme concerned and to the owners corporation is taken to be a written notice to the owner or occupier of each lot within the strata scheme.

Notification letters and plans

The notification letter will be posted or dispatched to affected persons before the exhibition period commences and is to contain the following information:

- a) the property address to which the development application relates;
- b) a description of the proposed development;
- c) an invitation to view the development application;
- d) the time during and the locations at which the development application can be inspected;
- e) the affected person's right to lodge a written submission in relation to the application;
- f) the closing date for making written submissions to Council;
- g) that the contents of written submissions may be included in reports; and
- h) a notification plan.

For the purposes of this section, the notification plan(s) are to:

- a) be prepared by the applicant and submitted with the development application;
- b) be contained in an A4 size sheet(s) and may be a reduced copy of the development plans submitted with the development application;
- c) be of a scale which will clearly delineate the features of the building;
- d) include a site plan, to scale, showing the relationship of the proposed building to the property boundaries;
- e) indicate any new buildings or additions to existing buildings by means of cross hatching;

- f) indicate the levels of floors, ceilings and ridges in relation to the existing and finished levels of the site;
- g) show the location of existing and proposed driveways, trees or other significant features; and
- h) include any other information which, in the opinion of the responsible officer, is appropriate to the application.

Newspaper advertisements

Advertisements will be placed in the most appropriate local newspaper (namely Riverine Herald or Pastoral Times). Contents of the advertisements will be in accordance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and other statutory instruments.

12.4 Other notification requirements

This chapter covers the main types of Development Applications received by Murray Shire Council. It does not cover all of the notification requirements for those Development Applications where other environmental planning instruments or other chapters of this DCP may apply.

Where other notification requirements apply (other than those identified by this chapter), those requirements will be applied to that particular Development Application. Where an application falls into more than one category of notification, the Development Application will be notified in accordance with the more onerous requirements.

TABLE 12.1 NOTIFICATION & EXHIBITION REQUIREMENTS

Application Category	Definition	Local Paper	Adjoining/Adjacent Owners Notification	Public Authority notification (Integrated)	Public Authority notification (e.g. MREP2)	Exhibition period
Section 82A Review	See s82A EPAA, clause 113A	As per original DA	To any authors of submissions and as per original DA (cl 113A)	Not applicable as per s82A(1)(c).	As per original DA	14 days (commencing the day after notice is given)
Section 96(1) or 96AA(1) modification	Modifications involving minor error, mis-description or miscalculation.	Not required.	Not required.	See Act	See Act	
Section 96(1A) or 96AA(1) modification	Modifications involving minimal environmental impact.	Not required.	Not required.	See Act	See Act	
Section 96(2) or 96AA(1) modification	Relating to Designated Development	Yes	To any authors of submissions and as per original DA	See Act	See Act	14 days (commencing the day after notice is given)
Section 96(2) or 96AA(1) modification	All other Development Applications	As per original DA	To any authors of submissions and as per original DA	See Act	See Act	14 days (commencing the day after notice is given)
Section 96AB	Review where modification application refused or conditions imposed (within 28 days after modification determined -refer clause 123I)	As per original DA	To any authors of submissions and as per original DA	Not applicable as per s82A(1)(c).	As per original DA	14 days (commencing the day after notice is given)

Application Category	Definition	Local Paper	Adjoining/Adjacent Owners Notification	Public Authority notification (Integrated)	Public Authority notification (e.g. MREP2)	Exhibition period
Designated Development (s 79(1))	As defined in Sch 3 of the <i>Environmental Planning & Assessment Regulation 2000</i>	Yes (at least on two separate occasions) (cl 80)	Yes	Where required.	Where required.	30 days (commencing the day after notice is first given in the newspaper)
Murray REP2	Development required to be advertised in accordance with clause 13. Consultation may also be required for any development in accordance with clause 12.	Yes – for “Advertised” development only (at least on two separate occasions)	Yes (There is no requirement to notify adjacent privately owned Victorian property).	Where required.	Yes. As specified by clause 12 and/or 13 of MREP2.	30 days (commencing the day after notice is given)
Nominated Integrated Development (clause 5(1)(b))	Requires approval under s91(1) of the Act for: <ul style="list-style-type: none"> ▪ Heritage Act 1977, ▪ Water Management Act 2000, ▪ Protection of the Environment Operations Act 1997. 	Yes	Yes	Where required.	Where required.	30 days (commencing the day after notice is given)
Threatened Species Development	Development referred to in s78A(8)(b) EPAA.	Yes	Yes	Where required.	Where required.	30 days (commencing the day after notice is first given in the local newspaper)
Class 1 aquaculture	Development referred to in SEPP No. 62.	Yes	Yes	Where required	Where required.	14 days (commencing the day after notice is first given in the local newspaper)

Application Category	Definition	Local Paper	Adjoining/Adjacent Owners Notification	Public Authority notification (Integrated)	Public Authority notification (e.g. MREP2)	Exhibition period
Other	Any development that Council staff determine should be exhibited which may, in the opinion of the responsible officer, be detrimentally affected in relation to the matters detailed in clause 12.3 of this chapter.	To be determined by staff.	Notification / referral may also extend to other bodies such as the NSW Police Force, Local Aboriginal Land Council and other relevant public authorities (such as adjoining local government organisations) that maybe affected by the development or able to provide special comment.			14 days

Note: Where an application falls into more than one of the above categories, the notification procedure followed shall be that with the higher requirements. For example, a Development Application for nominated integrated development that requires referrals under Murray REP 2 shall be notified and exhibited as per the requirements listed for Murray REP 2.