



# **PLANNING PROPOSAL**

**Rezone of land from R1 General Residential to SP2  
Infrastructure for 'Emergency Services Facility' and  
'Public Administration Building'**

**Reclassification of land from  
Community Land to Operational Land**

**Part of Lot 56 DP1220883  
216 Cobb Highway, Moama**

**Document Control**

Version	Date	Title	Author	Review	Issued
1	11/08/2020	Draft for Council endorsement	Llyan Smith		25/08/2020
2	12/11/2020	Post Gateway	Llyan Smith		

## TABLE OF CONTENTS

INTRODUCTION .....	4
Part 1 – Objectives or Intended Outcomes.....	8
Part 2 – Explanation of Provisions.....	8
Part 3 – Justification.....	9
Section A – Need for the planning proposal.....	9
1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report? .....	9
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? .....	10
Section B – Relationship to strategic planning framework.....	13
3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)? .....	13
4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan? .....	14
5. Is the planning proposal consistent with applicable State Environmental Planning Policies?.....	15
6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)? .....	17
Section C – Environmental, social and economic impact.....	23
7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal? .....	23
8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?.....	23
9. Has the planning proposal adequately addressed any social and economic effects? .....	23
Section D – State and Commonwealth Interests.....	23
10. Is there adequate public infrastructure for the planning proposal? .....	23
11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination? .....	23
Part 4 – Maps .....	24
Part 5 – Community Consultation.....	25
Part 6 – Project Timeline.....	25

APPENDIX 1: Title Particulars and Title Plan

APPENDIX 2: Lease Agreement with Transport for NSW

APPENDIX 3: Site Photos

APPENDIX 4: AHIMS search

## INTRODUCTION

This planning proposal has been prepared by Murray River Council (the “Council”) in support of an amendment to the Murray Local Environmental Plan 2011 (MLEP) to facilitate the use of part of Lot 56 DP1220883, 216 Cobb Highway, Moama for the development of the new Moama Police Station (Public Administration Building), and emergency services facilities.

Consistent with the provisions of Section 3.33 (2) of the *Environmental Planning and Assessment Act 1979* (the “Act”) this planning proposal includes the following components:

- Part 1 – A statement of the objectives and intended outcomes of the proposed instrument;
- Part 2 – An explanation of the provisions that are to be included in the proposed instrument;
- Part 3 – The justification for those objectives, outcomes and the process for their implementation;
- Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Part 5 – Details of the community consultation that is to be undertaken on the planning proposal; and
- Part 6 – Project timeline

### 1.1 Basis of Proposal

The construction of a new Police Station in Moama has been a Council/public agenda item for a number of years. As a result of discussions between Council officers, the Minister for Police and representatives of the NSW Police Force, Council has resolved the following, to date:

At the Ordinary Meeting of Council of 18 September 2018:

1. *That the General Manager vigorously makes representation to the NSW Minister for Police, the Local Area Command and the Member for Murray requesting:*
  - *That a new police station be built at Moama;*
  - *That the location for the new police station be Lawry Park (opposite the corner of Cobb Highway and Perricoota Road); and*
  - *That an urgent review of police numbers in the area is undertaken.*

At the Ordinary Meeting of Council of 25 February 2020 (RESOLUTION 190220):

1. *That the Council approve commencement of procedures to subdivide and convert the portion of land between the Rural Fire Service shed and Francis Street intersection, which is part of the 5.981 Ha of land being Lot 2 DP537724 [sic], currently designated as Lawry Park, Cobb Highway, Moama, from community land to operational land.*
2. *That the Council approve donating the portion of land between the Rural Fire Service shed and Francis Street as a suitable portion of the land currently designated as Lawry Park, Moama, to the State Government of NSW for the purpose of construction of the replacement Police Station at Moama to assist in expediting the building and provision of adequate Police facilities in Moama.*

In the report to Council dated 25 February 2020, the land was unfortunately misidentified as Lot 2 DP537724. Lot 2 DP537724 was subdivided as part of the incoming bridge alignment works in 2016 which created Lot 56 DP1220883. As

the footprint of the former Lot 2 and the current Lot 56 are close to identical, there was no confusion as to what land this report and resolution referred to (Lawry Park) and a correcting report was not deemed necessary in this instance.

The current police station is located in a small heritage building (Local Heritage Item I 3) to the east of the Moama CBD (Maiden Street). The site and building have no capacity for redevelopment, and cannot physically accommodate any staffing increase. The current facilities are not fit for purpose, are in a state of disrepair, and have been cited as a key factor contributing to the understaffing of the Moama area by NSW Police. An image of the current police station is provided below.



**Figure 1 – Existing police Station, Maiden Street, Moama**

## **1.2 Subject Land**

The land is identified as part of Lot 56 DP1220883, 216 Cobb Highway, Moama NSW 2731. The lot has an area of 5.934 hectares and is zoned part R1 General Residential (south of the site) and RE1 Public Recreation (north of the site). The subject planning proposal effects the southern R1 zoned portion of this lot. Figure 2 shows the lot and surrounding land uses. The entire lot is indicated by the yellow broken outline in Figure 2. The part of the lot effected by this planning proposal is shown in Figure 3 by the solid yellow outline.

The entire lot is community land, with the north of the lot managed as the Moama Water Treatment facility (part), and as greenspace for passive recreation/rest stop area. The south of the lot is largely used as ‘Lawry Park’, Council managed parkland providing passive recreation space and walking connection from Francis Street to the Cobb Highway. The lot envelopes around the “Cranford Heights” townhouse development, and the “Cranford House” private residence, which are covered by Council’s heritage mapping (Item I 25 – Cranford House). Lawry Park is largely unimproved with the exception of a gravel walking track which meanders through the park.

The northern portion of Lot 56 (water treatment plant etc.) is effected by a number of leases for servicing (largely relating to telecommunications). A copy of the Title search and Title Plan showing all encumbrances has been included as Appendix 1. The portion of the lot effected by this planning proposal does not form part of the leased area of Lot 56 and therefore will have no impact on the continuity of these

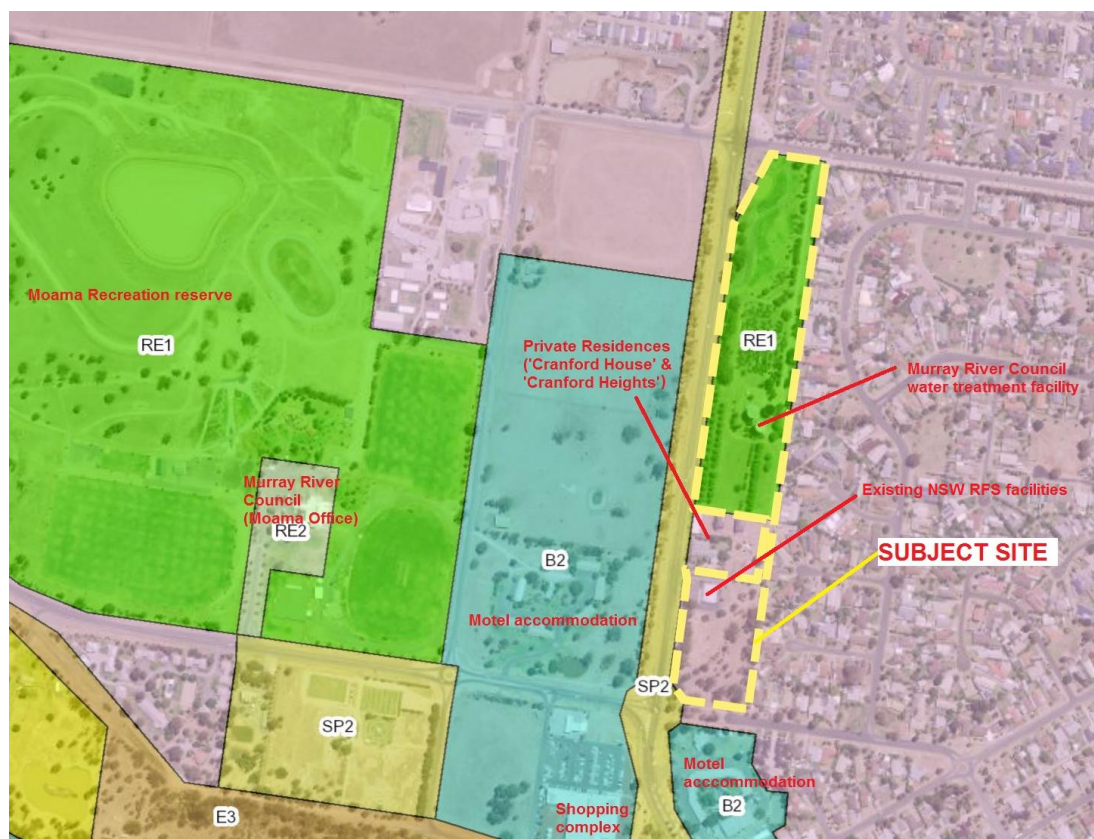
agreements. Council does have a lease agreement with Transport for NSW (TfNSW) which covers the same footprint as this planning proposal, as shown in Appendix 2. This lease allows TfNSW to utilise the site to:

- Construct temporary fencing on or within the boundary of the demised land including an entrance or entrances
- Construct a hardstand gravelled area
- Store machinery, equipment and imported materials
- Stockpile material excavated or removed from the adjacent roadworks
- Form or mark temporary paths to allow pedestrians and cyclists to travel past the roadworks.

The current agreed period is two years with the option to extend as required. This lease was not listed on title at the time of drafting this proposal.

It is anticipated that as part of the Gateway process, Council will refer this planning proposal to TfNSW for formal comment however TfNSW have been involved in preliminary discussions for this planning proposal.

As shown in Figures 2 and 3, and site photographs attached as Appendix 3, part of this lot is used by the NSW Rural Fire Service (RFS), and houses the Moama RFS station. There are discussions currently underway between Council and the RFS regarding extending the gravel parking area associated with the station by 10m to the east and 10m to the south. The land housing the RFS has been included in this proposal to ensure that the entire portion of this lot is converted to operational land. The land adjoining this lot to the south will be utilised as part of the Moama Echuca bridge upgrade. As part of these works a new intersection will be constructed which will connect Francis Street to the Cobb Highway (no vehicle connection at present).



**Figure 2 – Subject land and locality**



The part of the lot effected by this planning proposal, as indicated by the yellow outline in Figure 3 is not mapped bushfire prone or flood prone and is not covered by Council's biodiversity mapping. The site is mapped under Murray Regional Environmental Plan No 2 – Riverine Land, however the land is not located in close proximity to any watercourse and is separated from the Murray River by approximately 735m of urban development. The site does contain some vegetation (as shown in the site photographs). An AHIMS search of Lot 56 indicates that there are no recorded Aboriginal objects or Aboriginal places located on this site or within the surrounding 50m. A copy of the AHIMS search has been included as Appendix 4.



**Figure 3 - The Planning proposal site**

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to enable part of Lot 56 DP1220883 to be developed for the purposes of an 'emergency services facility' and 'public administration building'. This will facilitate future consideration of a Development Application for the construction of the new Moama Police Station and associated emergency service facilities on this site.

## PART 2 – EXPLANATION OF PROVISIONS

To achieve the outcomes of RESOLUTION 190220, Council have drafted the subject planning proposal to:

- Rezone part of Lot 56 DP1220883, 216 Cobb Highway, Moama from R1 General Residential to SP2 Infrastructure for the purposes of an 'emergency services facility' and 'public administration building';
- Amend Schedule 4, Part 1 of the MLEP to reclassify part of 56 DP1220883 from community land to operational land.
- Amend Land Zoning Map - Sheet LZN\_006B; and

No amendment to lot size mapping is required as the site is not currently effected by a minimum lot size. No minimum lot size is sought by this proposal. The subdivision of land required to donate this site to NSW State Government will also be achievable following its reclassification to operation land.

Refer to Map 1 for a draft showing the rezoning area.

Relevant to the above it is also to be noted that under the existing provisions of the MLEP the following definitions are applicable:

***emergency services facility*** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

***emergency services organisation*** means any of the following—

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001,
- (h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.

***public administration building*** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.



The proposed amendment to Schedule 4 is as follows:

#### **Schedule 4 Classification and reclassification of public land**

Insert the following entry into Part 1:

#### **Part 1 Land classified, or reclassified, as operational land – no interests changed**

Column 1	Column 2
Locality	Description
Moama	Part of Lot 56 DP1220883

### **PART 3 – JUSTIFICATION**

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Department of Planning and Environment's (now Department of Planning Industry and Environment – DPIE) *A guide to preparing planning proposals* (December 2018) ("the Guide").

#### **SECTION A – NEED FOR THE PLANNING PROPOSAL**

##### **1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

The Murray River Council Local Strategic Planning Statement (LSPS) sets out the 20-year vision for land use planning in Murray River Council. Through nine key planning priorities, it outlines how we will manage growth and change to create positive community outcomes. The nine priorities are set out in the figure below:

Theme 1: A robust, growing and innovative economy	Theme 2: Liveable, connected communities with social capital	Theme 3: Environment, heritage and climate change
Priority 1 Grow, strengthen and sustain agriculture	Priority 4 Housing growth, supply and density	Priority 7 Identify and protect environmental values
Priority 2 Grow and strengthen tourism	Priority 5 Recreation and open space	Priority 8 Celebrate culture and heritage
Priority 3 Create an 'open for business' identity	Priority 6 Servicing and utility infrastructure	Priority 9 Climate change and natural hazards

**Figure 4 Themes and Planning Priorities of the LSPS**

In particular, Planning Priority 6 - Servicing and utility infrastructure – identifies that well-planned infrastructure and servicing are essential for the functioning and wellbeing of communities. A key to achieving the objectives of this Priority is the timely upgrade of infrastructure to meet the demand of our growing population. The upgrade of the Moama Police Station is well overdue and the recent delivery of funding to NSW Police will enable this much needed project to proceed with the assistance of Council.

The planning proposal results from discussions between Council and the Minister for Police regarding the need to upgrade the Moama Police Station facility. The planning proposal is an outcome of a Council Resolution 190220 made 25 February 2020. The land is considered a strategically appropriate location for a new Police Station given the planned growth and intensification of Moama to the north-west.

## **2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The rezone of the site is considered the best way to achieve the objectives of the planning proposal. The current R1 zoning allows for a range of land uses. Applying a SP2 Infrastructure zone to the subject site ensures the land is used only for its intended purpose as a police station and emergency services hub.

Amending Schedule 4 of Murray LEP 2011 is the only way to reclassify the land from community to operational.

Table 1 below provides the required information to amend land classification through a Local Environmental Plan (LEP) in accordance with *Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan*.

**Table 1 Practice Note PN 16-001 assessment**

<b>Issue</b>	<b>Response</b>
The current and proposed classification of the land	Part of Lot 56 DP 1220883 is currently classified as community land. The proposal intends to amend this classification to operational so that the site can be subsequently subdivided off from the parent title (Lot 56) and donated to NSW Police for the development of the new Moama Police Station. There are no interests to discharge over the part of the lot effected by this planning proposal. The lease agreement between TfNSW and Council has not been registered against Title. It is anticipated that the lease will be in place for the duration of the bridge works. This planning proposal has been discussed with a representative of TfNSW who noted that they would be agreeable to negotiating the terms of the lease, if required.
Whether the land is a 'public reserve' (defined in the <i>Local Government Act</i> )	The land is considered a public reserve and is identified as "Lawry Park" (a public park).
The strategic and site-specific merits of the reclassification and evidence to support this	The site is considered to have strategic merit based on its high profile location central to the expanding Moama township. The site already houses facilities associated with the RFS and has access to all required utilities and services. The park is considered surplus to Council's open space needs and is used predominantly as a

	<p>pedestrian connection from Francis Street to Cobb Highway, rather than a key area of recreation. Council owned land with similar locational advantage is not available and thus this site presents an opportunity to redevelop a portion of underutilised public space with much needed police facilities that will benefit the community as a whole.</p>
Whether the planning proposal is the result of a strategic study or report	<p>The planning proposal is supported by Council RESOLUTION 190220, and long term discussions between Council, the community and the Minister for Police.</p>
Whether the planning proposal is consistent with Council's community plan or other local strategic plan	<p>The proposal is considered to facilitate specific outcomes associated with the Murray River Council Community Strategic Plan 2018-2028 and the Murray River Council Local Strategic Planning Statement -see discussion in Part B.</p>
<p>A summary of Council's interests in the land, including:</p> <ul style="list-style-type: none"> <li>• How and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution);</li> <li>• If Council does not own the land, the landowner's consent;</li> <li>• The nature of any trusts, dedications, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Council's records do not define when this land was first acquired. The land containing 'Lawry Park' is believed to be the result of a subdivision in 1968 to create Hillview Avenue, Lawson Drive, Ruby Court, Pollard Place and Pevensey Place (residential land to the east). As part of this subdivision, Lot 2 DP537724 was created and likely transferred to Council's ownership in November 1968. 'Lawry Park' (within the original Lot 2 DP537724) was used as a privately maintained community garden during the 1980s, however by the early 1990s Council was requested to take over maintenance responsibility for the site. Since that time, Lawry Park has been maintained under Council's 'Plan of Management for Community &amp; Crown Lands' (POL402.V6) as a passive community space. In 2016 land (including Lot 2) was subdivided to accommodate the incoming bridge project and subsequently created the current Lot 56 DP1220883. The current title plan for Lot 56 is included with Appendix 1.</li> <li>• Council are the owners of the land</li> <li>• A title search of Lot 56 has been included as Appendix 1 to illustrate encumbrances effecting this lot. The interests on this land relate largely to servicing and utility.</li> </ul>

Issue	Response
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	The interests and agreements effecting Lot 56 do not require discharge as part of this reclassification and can be managed separately upon finalising the planning proposal.
The effect of the reclassification (including the loss of public open space, the land ceasing to be a public reserve or particular interests will be discharged)	The proposed reclassification may effect a small portion of the community who utilise this site for passive recreation. However, Council considers that this largely unimproved site is underutilised as a recreation space and holds much greater benefit to the community as a site for the NSW Police. As a result of the bridge/intersection works, this site has been closed to the public since approximately March 2020 and will remain closed until the finalisation of those works. The sealed walking/cycling track located on the western side of Cobb Highway extends to Perricoota Road and Nicholas Drive and connects the community to various recreation areas within Moama (such as the Moama Recreation Reserve). Council feel that the reclassification of this site for redevelopment will on balance create positive community outcomes.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land	Please see attached Title search in Appendix 1
Current use(s) of the land, and whether uses are authorised or unauthorised	The uses of the land, as identified in the 'Introduction' section of this planning proposal are authorised.
Current or proposed lease agreements applying to the land, together with their duration, terms and controls	<p>Please see attached Title search in Appendix 1. Council have an agreement with TfNSW for the use of the site for the duration of the Echuca Moama bridge works. A copy of the agreement has been included as Appendix 2.</p> <p>The current agreed period is two years with the option to extend as required. At the time of drafting this proposal, this lease was not registered on title.</p> <p>The leases listed as encumbrances on the Title for Lot 56 will not be effected by this planning proposal as they are located in the northern section of Lot 56 not covered by this planning proposal site.</p>
Current or proposed dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant,	Please see previous comments. Upon finalisation of this planning proposal, Council intends to subdivide a footprint of the site off from Lot 56. The land will then

when Council intends to realise its asset, either immediately or after rezoning/reclassification or at a later time)	be donated to NSW Police to facilitate the construction of a new Police Station.
Any associated rezoning with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	A rezoning is sought from R1 General Residential to SP2 Infrastructure. As discussed above, this is considered the best approach to achieving the intended outcomes. The use of this site as a new Police Station and emergency services hub is endorsed by the MRC Community Strategic Plan and the MRC LSPS. See discussion above in Section A1 and 2 for further information.
How Council may or will benefit financially, and how these funds will be used	Council intends to ultimately donate the land to NSW Police and therefore is not anticipated to benefit financially from the proposed reclassification.
How Council will ensure funds remain available to proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal	The funding of alternate open space sites will not be effected by the subject reclassification. The capital works budget, together with the list of projects forming part of the Developer Contributions Plan will ensure funds continue to be available for open space provision/improvement.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot	A Land Reclassification (part lots) Map will be prepared for submission to the DPIE, if requested, post Gateway determination.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to Council, if applicable	TfNSW are agreeable to an amendment of the lease agreement affecting this site, if required.

## SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

### 3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Riverina Murray Regional Plan 2036 (RMRP) provides a 20 year blueprint for the Riverina Murray. The RMRP includes goals and actions to promote important outcomes to:

- foster economic growth (Goal 1)
- protect the environment (Goal 2)
- plan efficient transport and infrastructure networks (Goal 3)
- create strong, healthy and connected communities (Goal 4)



Goal 4 is specifically relevant to this planning proposal. The RMRP acknowledges that Murray River Council is projected to experience steady population growth and notes that:

*“...Creating liveable places will become increasingly important due to future demographic changes. Enlivening regional cities and revitalising local centres will make them more appealing places to visit and do business, as well as improve social cohesion and community wellbeing...”*

In addition, a key ‘Narrative’ specific to Murray River Council is to *“...plan for a range of community services and facilities...to meet the current and future requirements of the community...”*

Population growth creates increased demand for community facilities and services (such as the Police), which require careful consideration at a strategic level. The RMRP advocates for proactive planning to meet anticipated demand, while also delivering positive community outcomes for connection, safety, and wellbeing. The subject planning proposal is consistent with the directions and narratives of the RMRP and seeks to facilitate the development of a much needed new police station in a central and connected area of the Moama. This fit for purpose facility would not only assist in closing the existing shortfall in staffing/service, but would also place the Police facility in a more visible, accessible, and central place within Moama.

The outcomes of the RMRP have been reflected in the endorsed Murray River Council LSPS. The proposal is consistent with Council’s LSPS.

#### **4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

The proposal is consistent with Council’s LSPS (see previous discussion). The Murray River Council Community Strategic Plan (the ‘CSP’) is a 10-year plan outlining the community’s aspiration and long-term vision for the area. It is structured into five themes to guide shorter term planning, actions and investment. The five themes are:

- Theme 1: Built/Physical Environment
- Theme 2: Natural Environment
- Theme 3: Social Wellbeing.
- Theme 4: Economic Growth
- Theme 5: Leadership and Governance

Strategic Themes, 1, 3 and 5 are of particular relevance to this planning proposal

#### **Strategic Theme 1: Built/Physical Environment**

The goal of this theme is to create built and physical environment which is well planned, connected, safe, and designed to support our communities, industries, and businesses. This proposal seeks to facilitate the development of police facilities in a central, connected and visible location of Moama which is unconstrained from a planning perspective. The site is not considered to present any impact to adjoining existing or planned land uses and will ultimately improve the service delivery of the NSW Police Force to our community.

### **Strategic Theme 3: Social Wellbeing**

The goal of this theme is to provide a range of services and facilities that support our diverse rural lifestyle and create connected communities. To meet the current and future requirements of the community, the plan considers the following:

- Promotion and facilitation of better use of existing community services and facilities;
- Advocate for services that are not currently provided to the extent required by the community
- Provision of appropriate services as the demographics change with population growth;
- Improvement of personal and community safety.

The following objective of the CSP will be facilitated by this planning proposal:

*3.1.6 Advocate for adequate emergency, policing and ambulance services to meet the changing needs of communities, and continually strengthen the working relationship between Council, community and emergency services;*

### **Strategic Theme 5: Leadership and Governance**

The goal of this theme is to provide effective, democratic, open, transparent leadership and governance that plans, advocates and meets the changing needs of our community.

The planning proposal and the associated public consultation process will achieve the following key objectives of the CSP:

*5.1.1 Council decision making takes into account the needs and priorities of our local communities and the longer term social, cultural, economic and environmental viability and sustainability of our region;*

*5.4.1 Pursue advocacy on key issues of importance to the community and Council;*

*5.4.2 Identify opportunities to partner with other organisations or agencies to increase advocacy effectiveness and positive outcomes for the community.*

There is no endorsed land use strategy applicable to the subject land. The proposal will not impact the delivery of Stage 4 of the Moama Echuca Bridge works.

## **5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The following provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's). In summary, the majority of SEPP's are not applicable to Murray River Council and those that are, are generally not applicable to the circumstances of the Planning Proposal.

The following table provides a response to each of the SEPPs applicable to the subject land.

<b>State Environmental Planning Policy</b>	<b>Comment</b>
Murray Regional Environment Plan (REP) No 2	Noted. The subject site is mapped as Murray Regional Environmental Plan 2 – Riverine Land. However detailed consideration of the various provisions of the REP2 is not required in this instance as the proposed development is not deemed to be a defined development within the riverine environment of the River Murray.
SEPP No. 19 – Bushland in Urban Areas	Not applicable. Murray River Council is not identified in Schedule 1 as an area where the SEPP applies.
SEPP No 21 – Caravan Parks	Noted. Not applicable
SEPP No 33 – Hazardous and Offensive Development	The planning proposal does not seek to deviate from any relevant SEPP aims, strategies, development consent, land assessment or location provisions. The land has never been used for hazardous or offensive industry and will be rezoned to a special purpose zone which will only allow a public administration building and emergency services facilities.
SEPP No 36 – Manufactured Home Estates	The planning proposal does not seek to deviate from any relevant SEPP aims, strategies, development consent, assessment, or location provisions. Given the nature of the planning proposal it does not contemplate “suitable zones, locations and provisions” for caravan parks, camping grounds and/or manufactured home estates.
SEPP No 50 – Canal Estate Development	Not applicable. No canal development proposed.
SEPP No 55 – Remediation of Land	There is no information available that would indicate that the property is subject to contamination. This notwithstanding the proposal to include a public administration building within the list of permitted use of the site is considered to be appropriate in overall context of the land.
SEPP No 64 – Advertising and Signage	Not applicable.
SEPP No 65 – Design Quality of Residential Flat Development	Not applicable.
SEPP No 70—Affordable Housing (Revised Schemes)	Not applicable. Assessment against this policy is only applicable to the assessment of development applications.
SEPP (Aboriginal Land) 2019	Not applicable. Murray River Council is not located within the applicable Land Application Map.
SEPP (Activation Precincts) 2020	Not applicable. The subject site is not identified as an Activation Precinct
SEPP (Affordable Rental Housing) 2009	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.
SEPP (Coastal Management) 2018	Not applicable
SEPP (Concurrences and Consents) 2018	Noted. Not applicable
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal does not seek to deviate from any relevant SEPP aims and functions with respect to exempt and complying development

State Environmental Planning Policy	Comment
	provisions.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable. .
SEPP (Infrastructure) 2007	The planning proposal does not seek to deviate from any relevant SEPP aims, and/or requirements relating to infrastructure.
SEPP (Koala Habitat Protection) 2019	Noted. Murray River Council is listed in Schedule 1 as an effected Local Government Area and this policy applies. The subject land is not considered core koala habitat, is not known to contain any existing koala habitat, and is considered unlikely to support future Koala habitat given the characteristics of the site and surrounding land.
SEPP (Major Infrastructure Corridors) 2020	The planning proposal does not seek to deviate from any relevant SEPP aims, and/or requirements relating to provision of major infrastructure.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Primary Production and Rural Development) 2019	The planning proposal does not seek to deviate from any relevant SEPP aims, and/or requirements. The land is not zoned or uses for primary production purposes.
SEPP (State and Regional Development) 2011	Noted. The subject proposal is not considered to be State significant development or Regionally significant development.
SEPP (Vegetation in Non-Rural Areas) 2017	The proposal does not involve the removal of any vegetation from the property. A design has not been finalised for the proposed police station. Vegetation removal will be assessed at development application stage against the necessary provisions of this SEPP and the requirements of the Biodiversity Offset Scheme Entry Threshold (BOSET) tool.

**Table 1: State Environmental Planning Policy Assessment**

## **6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?**

The Minister for Planning, under section 9.1(2) the Environmental Planning & Assessment Act 1979 (EP&A Act) may issue directions that a Council must follow when preparing planning proposals for new LEPs. The directions cover the following broad categories:

- employment and resources;
- environment and heritage;
- housing, infrastructure and urban development;
- hazard and risk;
- regional planning; and
- local plan making.

The following Table 2 provides commentary against the s.9.1 Directions as follows:



Direction	Requirements	Compliance
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Not applicable.	The planning Proposal does not affect land within an existing or proposed

Direction	Requirements	Compliance
		business or industrial zone
1.2 Rural Zones	Not applicable.	The Planning proposal will not affect land within an existing or proposed rural zone.
1.3 Mining Petroleum Production and Extractive Industries	Not applicable.	This Planning Proposal does not seek to prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
1.4 Oyster Aquaculture	Not applicable	This Planning Proposal does not affect Priority Oyster Aquaculture Areas or oyster aquaculture areas identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006)
1.5 Rural Lands	Not applicable	This Planning Proposal does not affect land within an existing or proposed rural or environment protection zone
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	<p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	<p>Consistent .The subject land has no identified environmentally sensitive areas.</p> <p>The planning proposal does not involve environmental protection zones or land otherwise identified for environment protection purposes.</p>
2.2 Coastal Protection	Not applicable	The Planning Proposal does not affect land within the defined coastal zone
2.3 Heritage Conservation	<p><i>(4) A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p><i>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical,</i></p>	Consistent. The subject site contains no known items of environmental heritage significance. While Lot 56 does adjoin an item of local significance listed under the MLEP (Cranford House) any proposed impact to this item will be assessed at the development application stage. In



Direction	Requirements	Compliance
	<p><i>scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p><i>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i></p> <p><i>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i></p>	<p>addition, the proposed police station use will be separated from the subject heritage item by the existing RFS facilities.</p> <p>There are no known Aboriginal objects located onsite (see AHIMS search)</p>
2.4 Recreation Vehicle Areas	Not applicable	The Planning Proposal does not seek the development of land for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	Murray River Council is not an area affected by this planning direction.
2.6 Remediation of Contaminated Land	Not applicable.	The site is not land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i> and is not known to have been used in the past for a purpose which would cause contamination.
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p><i>(4) A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p><i>(a) broaden the choice of building types and locations available in the housing market, and</i></p> <p><i>(b) make more efficient use of existing infrastructure and services, and</i></p> <p><i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p><i>(d) be of good design.</i></p> <p><i>(5) A planning proposal must, in relation to land to which this direction applies:</i></p> <p><i>(a) contain a requirement that</i></p>	<p>The planning proposal effects residential zoned land however does not seek outcomes relating to residential land use. The Planning Proposal is therefore inconsistent with this Direction. In accordance with (6)(d) of this Direction, this inconsistency is considered of minor significance in this instance as while the site is zoned R1, it is Council owned community land and has been a park space since 1968. The approval of this planning proposal will not affect the MLEP in continuing to achieve the outcomes of this direction.</p>

Direction	Requirements	Compliance
	<i>residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.</i>	
3.2 Caravan Parks and Manufactured Home Estates	Not applicable	Not applicable. The proposal does not contemplate or effect zones, locations or provisions for caravan parks, camping grounds and/or manufactured homes estates.
3.3 Home Occupations	Not applicable	The Planning Proposal will not alter the MLEP to effect the current provisions relating to Home Occupations.
3.4 Integrating Land Use and Transport	<i>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</i>	The planning proposal is consistent with the aims, objectives and principles of these policies. The location of the site for the proposed police station is located on a major transport corridor for the township (Cobb Highway) and seeks to concentrate development in Moama's centre. The site can accommodate a design which facilitates good connection to pedestrian/cycle and the public transport network. The use will contribute to mixed development amongst compatible land uses and utilise available services and infrastructure.
3.5 Development Near Licensed Aerodromes	Not applicable	The land is not located near a regulated airport or a defence airfield.
3.6 Shooting Ranges	Not applicable	No shooting ranges are located adjacent or adjoining the subject land.
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable	This Direction applies only to Byron Shire Council.
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Not applicable	The planning proposal does not involve land identified on the Acid Sulfate Soils Planning Map.
4.2 Mine Subsidence and Unstable Land	Not applicable.	The planning proposal does not involve mine subsidence areas or areas identified as unstable.
4.3 Flood Prone Land	Not applicable	The planning proposal does not involve land within Council's flood planning area. The site is located within Council Moama Flood Levee which is built to withstand a 1 in 200 year ARI flood event. See mapping excerpt below.

Direction	Requirements	Compliance
		
4.4 Planning for Bushfire Protection	Not applicable.	<p>The land is not identified as bushfire prone land is located in excess of 200m from the nearest mapped area. See mapping excerpt below.</p> 
<b>5. Regional Planning</b>		
5.2 Sydney Drinking Water Catchments	Not applicable	Murray River Council is not located within the affected area.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	Murray River Council is not located within the affected area.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Murray River Council is not located within the affected area.
5.9 North West Rail Link Corridor Strategy	Not applicable	Murray River Council is not located within the affected area.
5.10 Implementation of Regional Plans	(4) <i>The planning proposal must be consistent with the Riverina Murray Regional Plan 2036 (RMRP).</i>	Consistent. The planning proposal is consistent with the RMMP. Refer to Part 3, Section B of this report for further detail.
5.11 Development of Aboriginal Land Council land	Not applicable	Murray River Council is not located within the affected area.

Direction	Requirements	Compliance
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	(4)- (c) inclusive	Consistent. The planning proposal does not introduce concurrence, consultation or referral requirements. The planning proposal does not relate to designated development.
6.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General of DPIE.	The planning proposal seeks to reclassify a parcel of community land to operational land to facilitate the development of a new police station. The planning proposal has been submitted to DPIE for approval, as required by this Direction .  The subject public park is considered surplus to the requirements of the community and adequate similar recreation spaces are available in close proximity. The proposed use is considered to present a positive outcomes to the community as a whole.
6.3 Site Specific Provisions	<i>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</i>	Consistent. The planning proposal will not result in any unnecessarily restrictive site specific planning controls and seeks only to enable a public administration building to be permissible with consent on the subject site.  The planning proposal does not contain any drawings for the proposed use of the site as a police station.
<b>7. Metropolitan Planning</b>		
7.1 – 7.10 (inclusive)	Not applicable	Murray River Council is not located within the areas affected by these Directions

**Table 2: Section 117 Direction Assessment**

## **SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The planning proposal is highly unlikely to impact upon any threatened species, populations or ecological communities, or their habitats. The subject land is located within the urban boundary of the Moama Township which has been a public park since approximately 1968. This land is not covered by Council's biodiversity mapping and contains no areas of critical habitat.

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

There are no likely negative environmental effects associated with the planning proposal. The land is clear of constraints and is not mapped as being bush fire prone and/or within a flood planning area.

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

The proposed rezone and reclassification will benefit the whole of the community and is not anticipated to pose a negative social impact. As detailed throughout this report, there is adequate passive/active recreation facilities available in close proximity to this site, which are largely interconnected by Council's walking/cycling paths. The proposal will facilitate a new police station in a visible, accessible and central location of Moama, helping to close the current servicing gap. The donation of the site to NSW Police is not considered to create a negative economic impact to the community, and will reduce Council's cost burden associated with the management of 'Lawry Park' as a public space.

## **SECTION D – STATE AND COMMONWEALTH INTERESTS**

**10. Is there adequate public infrastructure for the planning proposal?**

The proposal is not anticipated to increase demand for public infrastructure. The intersection of Cobb Highway, Perricoota Road and Francis Street is undergoing significant upgrade as part of the Moama Echuca bridge project and will serve as access to this site (taking into consideration any recommendation made by TfNSW). The site has adequate access to all services and utilities that will be required to facilities the additional permitted use.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

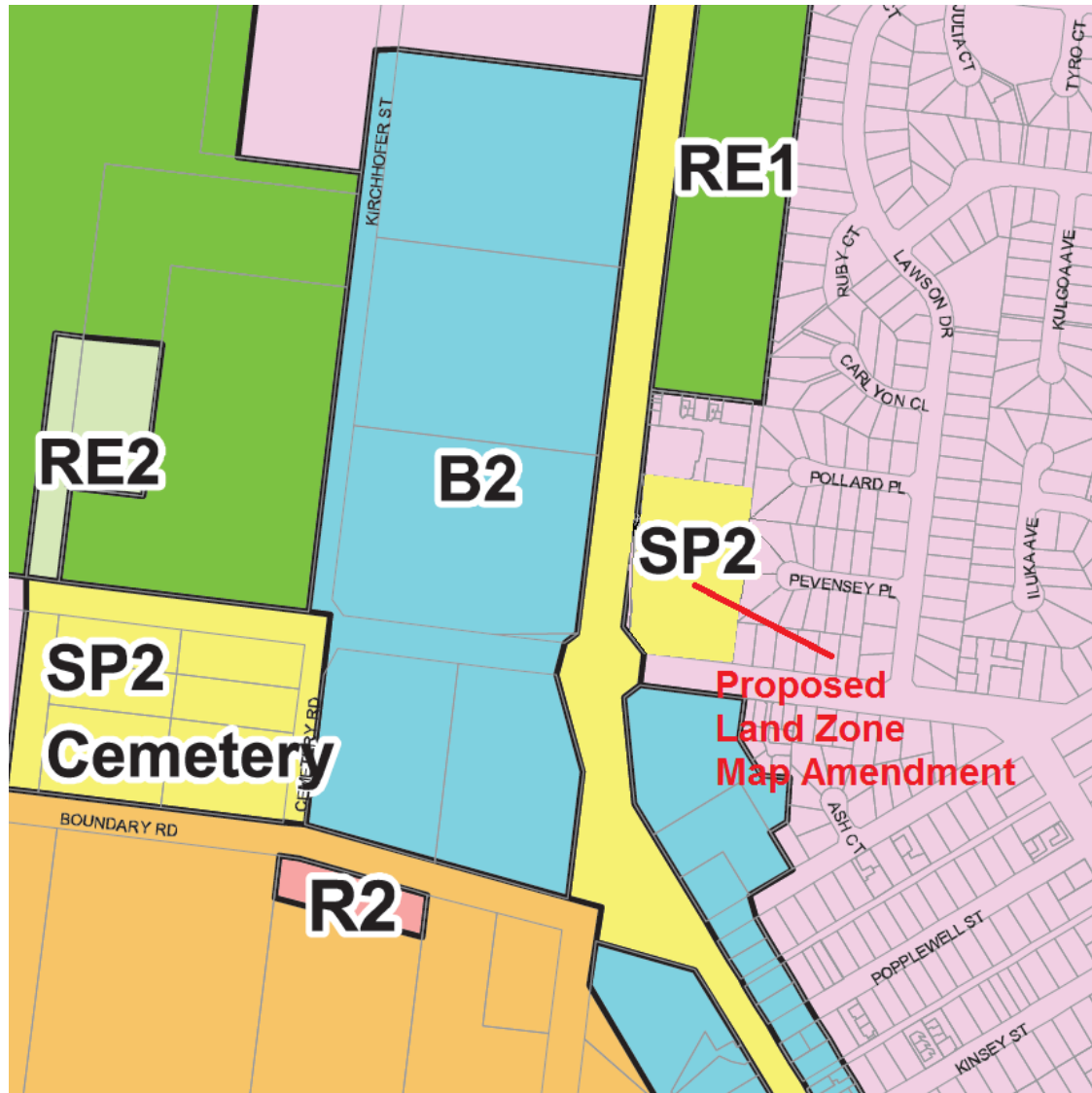
The proposed rezone and reclassification of the subject land has been discussed with TfNSW (pre-Gateway determination). As a current lessee of the site and consent authority for development along Cobb Highway TfNSW will be involved in the use and future development of site.

The proposal is otherwise considered to be of a relatively minor nature and involving land unconstrained by flood, bush fire, cultural heritage or significant biodiversity values.



## PART 4 – MAPS

The following maps are provided in support of the Planning Proposal.



Map 1: Proposed zoning amendment to SP2 Infrastructure

## **PART 5 – COMMUNITY CONSULTATION**

The proposal is not considered 'low impact' as described in the Guide as some public land is required to be reclassified to facilitate the proposed development. As a result, an exhibition period of 28 days would be required.

Consultation will be carried out in accordance with the requirements set out in the EP&A Act and Regulation. The proposed consultation strategy for this proposal will include:

- Written notification to landowners adjoining the subject land;
- Public notices to be provided in local media, including the local newspaper and Council's website;
- Copies of the planning proposal and supporting material in Council public buildings; and
- Electronic copies of all documentation to be made available on Council's website.
- A copy of the LEP Practice Note PN16-001 is required to be included in the public exhibition material.

As the amended Planning Proposal relates to the reclassification of community land a Public Hearing is required to be conducted. LEP Practice Note PN16-001 requires that the Public Hearing be held after the close of the exhibition period. The public hearing is to be conducted in accordance with Section 3.34 to the EP&A Act and Sections 29 and 47G to the LG Act, 1993. A public notice of the hearing is to be published a minimum of 21 days prior to the date of the hearing. As a result of the Public Health Orders and restrictions in place for the COVID 19 pandemic, Council will take advice from DPIE regarding the necessity for a public hearing.

The Gateway determination will confirm public consultation requirements.

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and prepare a report to Council.

## **PART 6 – PROJECT TIMELINE**

A project timeline will be developed post Gateway determination.

# **APPENDIX 1**

## **Title Particulars and Title Plan**

## **APPENDIX 2**

### **Lease Agreement with Transport for NSW**

# **APPENDIX 3**

## **Site Photos**



## **APPENDIX 4**

### **AHIMS search**