

Lot 3 DP813704, Centre Road, Moama
Reclassification of Public Land

MAY 2022

Submitted to Murray River Council
On behalf of Murray River Council

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PROJECT NUMBER
22004

REVISION NO	REVISION DATE	VERSION STATUS	AUTHOR	APPROVED
B	2/05/2022	Final	MY	MJ
C	27/06/2022	Minor revisions	MY	MY

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Executive Summary

This Planning Proposal has been prepared by Habitat Planning on behalf of Murray River Council in support of a Planning Proposal to amend the *Murray Local Environmental Plan 2011* (MLEP 2011).

Specifically, the Planning Proposal seeks to utilise the provisions of Clause 5.2 of MLEP 2011 to reclassify Lot 3 DP813704 – Centre Road, Moama from ‘community land’ to ‘operational land’ by amending Schedule 4, Part 1 of the MLEP 2011 to include this land.

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

For the purposes of the Guideline, the application is classified as a ‘Standard’ Planning Proposal as it relates to the reclassification of public land through an LEP.

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent with the strategic planning framework including State, Regional and local planning strategies for Murray River.
- The proposal is consistent with the relevant Planning Practice Note requirements
- The reclassification is in the public interest as it will classify land to ensure contemporary and community held objectives and outcomes for public land are achieved and are achievable within the Local Government Act framework.
- The reclassification will ensure that Council can be responsive and flexible in how its assets are managed, applied to services and facilities.

It is recommended that Murray River Council resolve to support the changes to the LEP as detailed in this Planning Proposal and forward it for a Gateway Determination to undertake the following:

- Reclassify Lot 3 DP813704 – Centre Road, Moama from ‘community land’ to ‘operational land’ by amending Schedule 4, Part 1 of the MLEP 2011 to include this land.

1. Introduction

1.1. Overview

This Planning Proposal has been prepared by Habitat Planning on behalf of Murray River Council to support the reclassification of public land under Section 27(1) of the *Local Government Act 1993*.

Specifically, the Planning Proposal seeks to:

- Utilise the provisions of Clause 5.2 of the *Murray Local Environmental Plan 2011* (MLEP 2011) to reclassify Lot 3 DP813704 – Centre Road, Moama from ‘community land’ to ‘operational land’
- Amend Schedule 4, Part 1 of the MLEP 2011 to include Lot 3 DP813704.

This report has been prepared to address the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Industry and Environment’s guideline titled: *Local Environmental Plan Making Guideline* (December 2021).

For the purposes of the Guideline, the application is classified as a ‘Standard’ Planning Proposal as it relates to the reclassification of public land through an LEP.

This report has also been prepared in accordance with the public land management requirements of the *Local Government Act 1993* and LEP Practice Note PN16-001 issued by the Department of Planning & Environment on the 5 October 2016.

This report will demonstrate that the proposed reclassification of land under MLEP 2011 is consistent with the intent and objectives of the planning frameworks and strategic plans and policies. Consequently, this will provide both Council and the NSW Department of Planning, Industry and Environment (DPIE) with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

It is requested that Council forward the Planning Proposal to the Minister for Planning and Public Spaces for Gateway Determination in accordance with Section 3.34 of the EP&A Act. The Gateway Determination will decide:

- Whether the planning proposal is supported to proceed or not.
- Any necessary technical studies or supporting studies.
- Whether the planning proposal needs to be amended (and possibly resubmitted to the Department) prior to exhibition.
- The duration and extent of community consultation.
- Whether consultation with State or federal authorities (if required).
- Whether a local contributions plan is to be exhibited at the same time as the planning proposal.
- Whether a public hearing is needed.
- The timeframes within which the various stages of the process for making of the proposed LEP are to be completed.
- Whether the council is to be authorised to make the proposed instrument as the Local Plan Making Authority (LPMA).
- Any other conditions.

1.2. Background

On 12 September 2018, Council purchased the subject land for the purpose of potential commercial operations. Council did not resolve to classify the land as 'operational land' within 3 months of acquiring the land provided under section 31(2) of the *Local Government Act 1993*. The land has therefore been deemed to be classified as 'community land'.

The purpose of this Planning Proposal is to formally seek to change the classification of the land pursuant to Clause 5.2 of MLEP 2011 and the *Local Government Act 1993*.

1.3. Scope and Format of Planning Proposal

The Planning Proposal details the merits of the proposed change to the MLEP 2011 and has been structured in the following manner:

- Section 1.0 provides an introduction to the Planning Proposal;
- Section 2.0 provides a description of the site, its context and existing development, including identification of the land to which the changes are proposed;
- Section 3.0 contains the Planning Proposal, prepared in accordance with the matters to be considered in the Department of Planning's document titled *Local Environmental Plan Making Guideline*; and
- Section 4.0 provides the conclusions and recommendations to proceed with the Planning Proposal to Gateway Determination to amend MLEP 2011.

1.4. Supporting Plans and Documentation

The Planning Proposal has been prepared with input from a number of technical and design documents which have been prepared to accompany the application. These documents are included as attachments to this report and are identified in **Table 1**.

Table 1 – Attachments to Planning Proposal

Document Name	Prepared by
Consistency with State Environmental Planning Policies	Habitat Planning
Consistency with Section 9.1 Ministerial Directions	Habitat Planning
Consistency with Riverina Murray Regional Plan 2036	Habitat Planning
LEP Practice Note PN16-001	-
PN16-001 – Information Checklist	Habitat Planning & Murray River Council

2. Site & Context Description

2.1. Site Context & Locality

The subject land to which this Planning Proposal relates is described as Lot 3, DP813704 and addressed as Centre Road, Moama.

The subject site is located within a rural area located approximately 13 kilometres north-east of the Moama town centre. The site is shown in the Figure below.

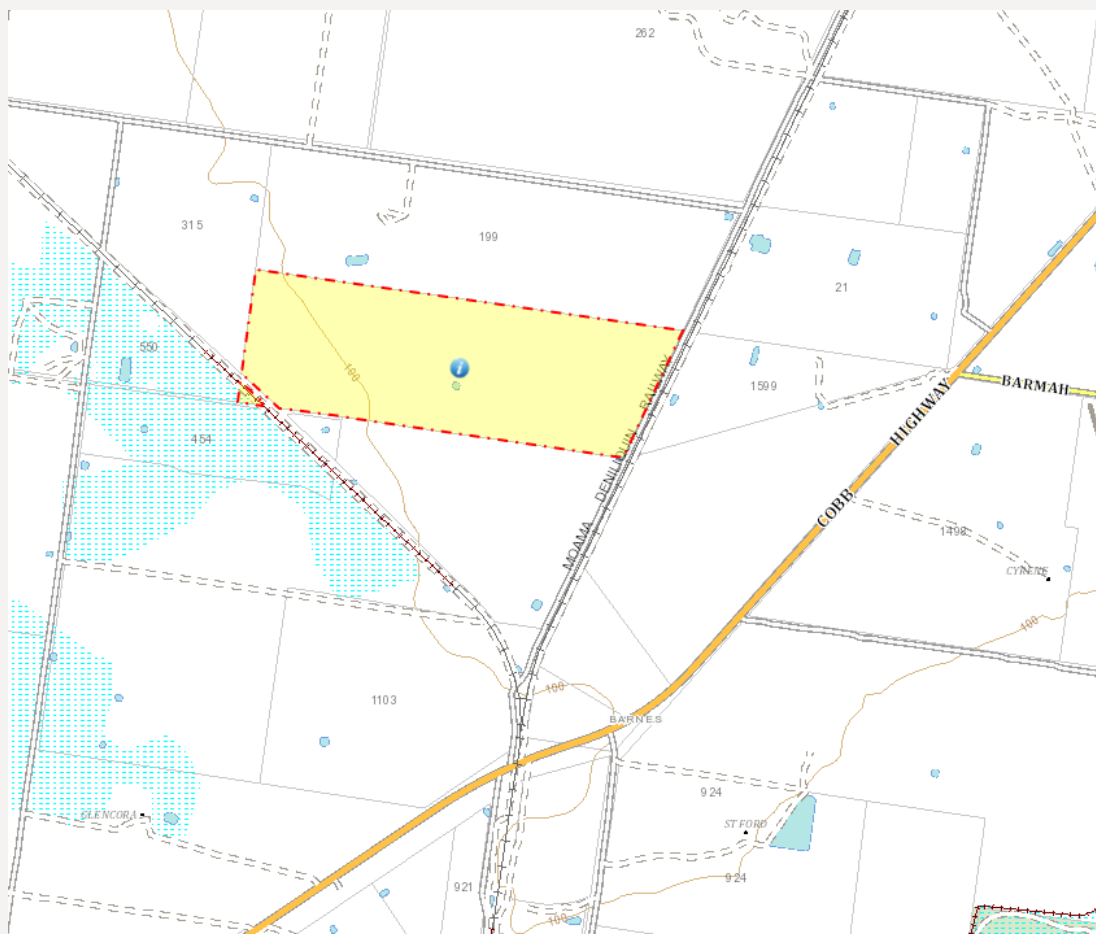


Figure 1 – Site Map (Source: Six Maps)

2.2. Site Description

The subject land is located between the Mathoura Line Road, Ham Road and Centre Road within the RU1 Primary Production zone. The site also sits between and has frontage to the Moama/Deniliquin Railway Line and the Moama/Balranald Railway line. The subject land is a generally rectangular in shape and has an approximate width of 750 metres, a length of 2.5km and a total area of 200 hectares.

The land has minimal physical improvements apart from some boundary fencing, two dams, silos and scattered paddock trees. The site has previously been used for broad-acre agricultural purposes. The topography of the land is generally flat and the site contains no significant landforms. Vegetation on-site generally consists of non-native groundcovers given the previous agricultural use of the land, however it is noted that several scattered remnant trees does exist towards the northern boundary of the site.

A context site aerial image of the property is provided in **Figure 2**.

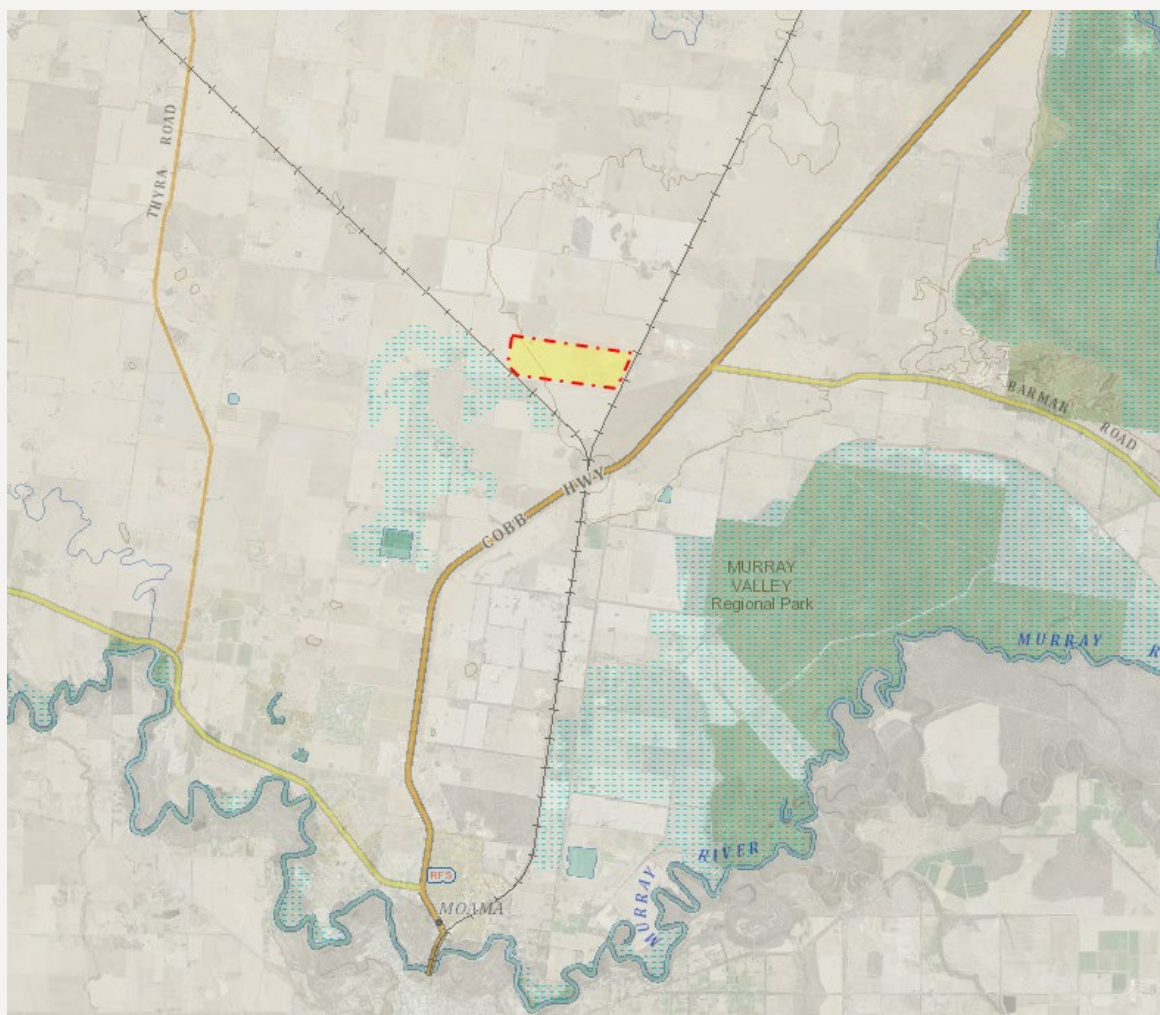


Figure 2 – Site Context Map indicating the subject land (outlined) (Source: SIX Maps)

2.3. Surrounding Development and Built Form

The subject site is surrounded by land zoned RU1 Primary Production which is generally used for broadacre agricultural purposes and ancillary uses such as grain storage. There are several rural properties within proximity to the site to the north, west and east.

3. Planning Proposal

This section of the report addresses the Department of Planning’s document titled *Local Environmental Plan Making Guideline* and Section 3.33 of the EP&A Act. Specifically, this section provides:

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification;
- Mapping
- Community consultation; and
- Project timeline.

3.1. Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend MLEP 2011 to reclassify the subject land from “Community Land” to “Operational Land”. Council previously did not resolve to classify the subject land as ‘Operational’ within 3 months of acquiring the land pursuant to Section 31(2) of the *Local Government Act 1993*. Therefore, in accordance with this Act, the land is taken to have been classified as Community land.

An amendment to Schedule 4, Part 1 of MLEP 2011 is required under Clause 5.2(2), which is sought by this Planning Proposal.

The purpose of the subject amendment is to reclassify the land operational so as to allow for future development opportunities.

3.2. Explanation of Provisions

This part of the Planning Proposal responds to Section 3.33(2)(b) of the *Environmental Planning & Assessment Act 1979* which requires an explanation of the provisions that are to be included in the proposed instrument.

The Planning Proposal seeks to reclassify Council owned land legally described as Lot 3, DP813704 and addressed as Centre Road, Moama from “community” to “operational”.

The reclassification will be achieved by amending Schedule 4, Part 1 – Land classified, or reclassified, as operational land – no interests changed of the MLEP 2011 by inserting under locality and property description the following:

Insert into Column 1 – Locality	Insert into Column 2 - Description
Moama	Lot 3, DP813704, Centre Road, Moama

The proposal does not involve any change to the existing zone and/or development standards that apply to the subject site. There are interests in the land that Council is seeking to discharge (refer to **Appendix F**) however these are not considered to affect the reclassification of land. The Planning Proposal does not recommend any changes to the maps to MLEP 2011 and the reclassification applies to the whole of the land.

3.3. Justification

This part of the Planning Proposal responds to Section 3.33(2)(c) of the *Environmental Planning & Assessment Act 1979* which requires the justification for the objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under Section 9.1).

The Planning Proposal is not the result of any specific strategy or study. However, the need for the Planning Proposal has arisen due to the need to classify the land in accordance with section 31(2) of the *Local Government Act 1993*. The only way for the land to be used for the purpose intended is to carry out an amendment to the LEP under Clause 5.2 to reclassify the land.

In the interests of good governance all necessary steps are being taken to ensure that the correct classification is applied to public land under Council's control.

Despite the current Planning Proposal being to apply an operational public land classification to land deemed to have been omitted by error from previous classification, Council is required to provide sufficient strategic justification and other information and justification in accordance with the DPIE LEP Practice Note "*PN 16-001 - Classification and reclassification of public land through a local environmental plan*", more specifically its "*Attachment 1 - Information checklist for proposals to classify or reclassify public land through an LEP*".

A copy of PN 16-001 is attached at **Appendix E**, whilst **Appendix F** provides the information required to be provided by PN 16-001 in a written statement for the subject land to be reclassified.

Section A – Need for a Planning Proposal

3.3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Murray River Council Local Strategic Planning Statement

The *Murray River Council Local Strategic Planning Statement 2020-2040* (LSPS) establishes Council's 20-year vision for land use planning and growth focusing on the key themes of social, environmental, and economic considerations. The LSPS establishes the community's priorities and aspirations which will guide Council's planning decisions on future land use activities.

The LSPS will inform future reviews of Council's Local Environmental Plan (LEP) and Development Control Plan (DCP), as well as identifying strategic planning investigations required to support future development.

The LSPS is based on three key themes as follows:

- A robust, growing and innovative economy.
- Liveable communities with social capital.
- Environment, heritage and climate change.

An assessment of the subject planning proposal has been provided in response to the Murray LSPS as outlined below.

Table 2 – Consideration of the Murray River Council Local Strategic Planning Statement

Priority	Applicable to the Planning Proposal	Comment
Theme 1 – A robust, growing, and innovative economy		
Priority 1 – Grow, strengthen and sustain agriculture	Not applicable to the subject Planning Proposal	<p>The planning proposal does not seek agricultural outcomes.</p> <p>Whilst it is acknowledged that the subject proposal does seek to facilitate the reclassification of land currently being used for small-scale broadacre purposes, the ongoing benefits from reclassifying and developing this land for commercial and/or industrial purposes is considered appropriate in this instance.</p>
Priority 2 – Grow and strengthen tourism	Not applicable to the subject Planning Proposal	Not applicable
Priority 3 – Create an ‘open-for-business’ identity	Applicable to the subject Planning Proposal	<p>Action 3.3. states that Council will: “<i>develop masterplans for the expansion/relocation of heavy industrial uses servicing Moama including investigating the opportunity to create a heavy industry precinct in the Ham Road – Centre Road area.</i>”. Whilst it is acknowledged that the subject proposal does apply, the Planning Proposal only seeks to facilitate the reclassification of land. Further strategic work is to be carried out to develop a masterplan to address the outcomes sought by Action 3.3. No further consideration is considered relevant.</p>
Theme 2 – Liveable Communities with Social Capital		
Priority 4 – Housing growth, supply and density	Not applicable to the subject Planning Proposal	Not applicable
Priority 5 – Recreation and open space	Not applicable to the subject Planning Proposal	Not applicable
Priority 6 – Servicing and utility infrastructure	Not applicable to the subject Planning Proposal	Not applicable

Priority	Applicable to the Planning Proposal	Comment
Theme 3 – Environment, heritage, and climate change		
Priority 7 – Identify and protect environmental values	Not applicable to the subject Planning Proposal	Not applicable
Priority 8 – Celebrate culture and heritage	Yes, as consideration of matters regarding Aboriginal Cultural Heritage is required under the NSW <i>National Parks and Wildlife Act 1974</i> .	<p>The Planning Proposal is consistent with the vision and actions of this Planning Priority as consideration of Aboriginal Cultural Heritage Values has been undertaken.</p> <p>Following a review of the subject, the likelihood of items of Aboriginal Cultural Heritage being present on-site is considered low as the subject land is heavily disturbed and does not contain any identified landscape features.</p>
Priority 9 – Climate change and natural hazards	Not applicable to the subject Planning Proposal as the land is not identified as being subject to any natural hazards.	Not applicable.

Murray Shire Strategic Land Use Plan 2010-2030

The Murray Shire Strategic Land Use Plan 2010-2030 (Land Use Plan) seeks to guide the future development and use of land within the Shire for the next 20 years and beyond. The Land Use Plan does not specifically identify this site.

3.3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the Planning Proposal is the best means of achieving the objectives or intended outcomes as there are no other mechanisms to reclassify the subject land in the absence of the Planning Proposal.

Section B – Relationship to Strategic Planning Framework

3.3.3 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* (Regional Plan) was adopted by the NSW Government in 2017 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina & Murray regions for the next 15 years.

The Regional Plan is underpinned by four (4) key goals including:

- Goal 1 – A connected and prosperous economy.
- Goal 2 – A diverse environment interconnected by biodiversity corridors.
- Goal 3 – Healthy and connected community.
- Goal 4 – Environmentally sustainable housing choices.

Each of these goals is supported by a number of different actions, which seek to achieve the objectives of the goal.

The Regional Plan has very few if any actions (or goals or directions) that are of relevance to a planning proposal of this nature. Conversely, the planning proposal does not impact nor is considered to be inconsistent with any action (or goal or direction) contained within the Regional Plan. Accordingly, the proposal is consistent with the Riverina Murray Regional Plan 2036. An assessment of the planning proposal against the Regional Plan actions has been provided in **Appendix B**.

3.3.4 Is the planning proposal consistent with a Council Local Strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Sydney Commission, or another strategy or strategic plan?

Consideration of the *Murray Local Strategic Planning Statement 2020-2040* and the *Murray Shire Strategic Land Use Plan 2010-2030* have been addressed in **Section 3.3.1** of the Planning Proposal.

The *Murray River Council Community Strategic Plan 2022-2032 (CSP)* is Council's local community strategic planning document. The CSP is based on an outcome framework comprising of five (5) strategic themes;

- Theme 1 – A place of environmental sensitivity
- Theme 2 – A place of progressive leadership
- Theme 3 – A place of liveable communities
- Theme 4 – A place of inclusion, culture & wellbeing
- Theme 5 – A place of prosperity & resilience
- Theme 6 – Connected communities
- Theme 7 – Tomorrow's Technologies

Underpinning these outcomes are a series of 30 goals and 80 strategic objectives that reflect the communities' key ambitions for the future. These strategies have been developed to detail how Council, other government agencies and the community can work together to achieve these goals.

The Planning Proposal is consistent with the following outcomes and strategies under the Murray River Council CSP, in particular encouraging and supporting development across the region (theme 5). It is noted that there is limited directions and objectives outlined in the CSP that are directly related to the subject amendment.

Overall, the proposal is considered to be consistent, where relevant with the *Murray River Council Community Strategic Plan 2022-2032*.

3.3.5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

No other State or Regional studies or strategies are considered relevant to the intended objectives of the Planning Proposal.

3.3.6 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Appendix C provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's). In summary, many of the SEPP's are not applicable to the Murray River Local Government Area and even less are applicable to the circumstances of the Planning Proposal.

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

3.3.7 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions?)

Section 9.1 (formerly s. 117) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of LEP's. A Planning Proposal needs to be consistent with the requirements of the Directions but in some instances can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "minor significance".

An assessment of all s.9.1 Directions is undertaken in **Appendix D**. In summary, the Planning Proposal is either consistent, or justifiably inconsistent with the relevant Directions. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

Section C – Environmental, social and economic impact

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

No. It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of this proposal for the reasons outlined below:

- the planning proposal only involves the reclassification of land under the Local Government Act.
- the planning proposal is not proposing to rezone any land or facilitate the carrying of a particular development that would adversely impact critical habitat, threatened species, populations or ecological communities or their habitats.
- the land is not identified as containing Terrestrial Biodiversity, Riparian Lands or Watercourses or Wetlands. Furthermore, the land is not identified as containing any Biodiversity Values mapping for the purposes of the *Biodiversity Conservation Act 2016*. Similarly, the land and any future development on-site does not require approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- the land contains limited environmental features as it has been highly disturbed from previous broadacre agricultural activities and only includes approximately 20 scattered paddock trees.

In addition, this Planning Proposal does not recommend changing the application or intent of the provisions in MLEP 2011 that require new development to identify and manage its environmental impacts, such as the preservation of trees and vegetation and the management of stormwater.

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

No. The proposed reclassification does not result in any direct environmental impacts. The subject land is also not identified as being bushfire prone or flood prone and an assessment under Chapter 4 of the Resilience and Hazards SEPP has been undertaken in **Appendix C** confirming that the site is not contaminated.

Any environmental impacts likely to arise as a result of any future development proposal will be assessed as part of the Development Application (DA) process.

This Planning Proposal does not seek to amend any of the provisions in LEP 2013 that require new development to identify and manage its environmental impacts, such as the preservation of trees and vegetation, as well as the management of stormwater. These provisions will continue to apply to the subject land.

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

It is not considered that there would be any substantial social or economic outcomes associated with the outcomes sought by the proposed reclassification. It is noted that the reclassification will allow for greater flexibility with regard to the use of the land by Murray River Council, however a future use of the site, including any timeframes for development, have not been established by Council to date.

Section D – State and Commonwealth interests

3.3.11 Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal is not expected to adversely impact any public infrastructure either specifically or generally.

There are no expected impacts on any State or Commonwealth infrastructure. Further, public infrastructure requirements associated with any future development on the land would be assessed in detail as part of any development application(s) submitted for the site.

3.3.12 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth agencies will be undertaken in accordance with the conditions of the Gateway Determination.

It is expected that given the nature of the amendment (reclassification) and lack of environmental constraints that apply to the land, that consultation with public authorities will be limited, if at all.

3.4 Mapping

This Planning Proposal does not recommend any changes to the maps contained in MLEP 2011. The reclassification is purposed to effect the entire lot and therefore a 'Land Reclassification (Part Lots) Map' is not required.

Imagery indicating the site and immediate surrounds, has been provided in Section 2 of this proposal.

3.5 Community Consultation

This part of the planning proposal responds to Section 3.33(2)(e) of the Environmental Planning & Assessment Act 1979 which requires the details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal will be exhibited in accordance with the requirements of Part 1, Division 1, Clause 4 of Schedule 1 of the EP&A Act, the NSW Department of Planning and Environment's: *Local Environmental Plan Making Guideline* and any conditions of the Gateway Determination (to be issued).

As the Planning Proposal is categorised as a 'standard' proposal, it expected to be placed on public exhibition for 20 working days or as otherwise outlined in Council's Community Engagement Strategy. The MRC Community Engagement Strategy requires planning proposal to be exhibited for a minimum of 28 days, or the period specified by a Gateway Determination.

Additionally, Councils must hold a public hearing when reclassifying public land from community to operational (EP&A Act – Schedule 1 Clause 4 & LG Act s.29). This gives the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised. There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

Written notification of the community consultation will be provided in a local newspaper and on Council's website. In addition to this, any affected landowner/s adjoining the subject land will be notified in writing, as well as any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

The future consultation process is expected to include:

- written notification to landowners adjoining the subject land;
- public notices to be provided in local media, including in a local newspaper and on Council's website;
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

The written notice will contain:

- a brief description of the intended outcomes of the Planning Proposal;
- an indication of the land which is affected by the proposal;
- information on where and when the Planning Proposal can be inspected;
- the name and address of Council for the receipt of submissions;
- the closing date for submissions; and
- confirmation whether the Minister has chosen to delegate Plan Making powers to Council.

During the public exhibition period the following documents will be placed on public exhibition:

- the Planning Proposal;
- the Gateway Determination;
- any technical information relied upon by the Planning Proposal;
- relevant Council reports.

An electronic copy of all of the above information to be placed on public exhibition will be made available to the public free of charge.

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

3.6 Project Timeline

The project timeline for the Planning Proposal is outlined in **Table 3**.

It is noted however, that there are many factors that can influence compliance with the timeframe including Council staffing resources, the cycle of Council meetings and submissions received, and issues raised. Consequently, the timeframe should be regarded as indicative only.

Table 3 – Project Timeline (indicative)

Project Milestone	Anticipated Timeframe
Lodgement Lodge Planning Proposal with council and make any necessary adjustments or changes prior to council accepting the plan	4 weeks for council to review and provide any comments regarding the submitted Planning Proposal and for the report to be updated.
Council Report (seeking Gateway Determination) Council planning officers to prepare a report to council seeking council endorsement of the Planning Proposal and referral to the NSW DPIE seeking the issuing of a Gateway Determination.	2 weeks to prepare council report and include on council agenda. Timing will be respondent to Council meeting dates and report writing deadlines.
Request Gateway Determination Council to request a Gateway Determination from the NSW Department of Planning to proceed to Planning Proposal to public exhibition (including any delegation of plan-making powers to council)	5 weeks following Council resolution and request for a Gateway determination
Public Exhibition Undertake public exhibition of Planning Proposal in accordance with the conditions of the Gateway Determination.	2 weeks to prepare and place a public notice in the paper and 4 weeks to publicly exhibit the Planning Proposal.
Public Hearing Undertake public hearing in accordance with the conditions of the Gateway Determination and section 47G of the Local Government Act.	6 weeks to provide public notice prior to the hearing
Consider Submissions & Finalise Document Council planning officers to consider, respond and report on submissions received and issues raised (if any) and where necessary, recommended relevant changes to the Planning Proposal.	2 weeks to collate, consider and respond to submissions received (if any).
Council Report (consideration of submissions) Council planning officers to prepare a report to council post public exhibition that considers any submissions received.	4 weeks to prepare council report and include on council agenda.
Submission to NSW DPIE/Parliamentary Counsel Forward Planning Proposal to NSW DPE/Parliamentary Counsel (if delegated) for finalisation following public exhibition.	4 weeks
Notification Finalisation/gazettal of Planning Proposal	2 weeks

4. Conclusion

The Planning Proposal seeks approval to reclassify Council owned land from “community” to “operational” legally described as Lot 3, DP813704 and addressed as Centre Road, Moama. The reclassification will be achieved by amending Schedule 4 of the *Murray Local Environmental Plan 2011* utilising the provisions of Clause 5.2.

The proposal does not involve any change to the existing zone and/or development standards that apply to the subject site. There are no interests in the land that Council is seeking to discharge. The Planning Proposal does not recommend any changes to the maps to Murray Local Environmental Plan 2011.

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

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is consistent with the relevant legislative requirements of the *Environmental Planning & Assessment Act 1979* and *Local Government Act 1993*.
- The proposal is consistent with the aims and objectives of relevant state policies and local policies that apply to the subject land.
- The proposal is consistent with the strategic planning framework including State, Regional, District and local planning strategies for Murray River.
- The proposal is consistent with the requirements and considerations of LEP practice note PN16-001
- There is clear evidence of the intent of the Planning Proposal.

Therefore, the proposed amendment to MLEP 2011 is appropriate and well-considered and warrants the support of Council before proceeding to a Gateway Determination.

Appendix A: Title Details

Appendix B: Consistency with Riverina Murray Regional Plan 2036

Table 4 – Consistency with Riverina Murray Regional Plan 2036

Goal, Direction & Action Title	Relevance to the Planning Proposal	Consistency
Goal 1 – A growing and diverse economy		
Direction 1 – Protect the region's diverse and productive agricultural land.	Applies as the planning proposal relates to rural zoned land.	The reclassification will not impact the ability for the land to be retained and utilise productive agricultural land.
Direction 2 – Promote and grow the agribusiness sector.	Not applicable to the Planning Proposal as it does not relate to the promotion and growth of the agribusiness sector. The Planning Proposal will also not impact on the ability of the promotion and grow of the sector either.	N/A
Direction 3 – Expand advanced and value-added manufacturing.	Not relevant to the objectives and outcomes sought by the planning proposal	N/A

Goal, Direction & Action Title	Relevance to the Planning Proposal	Consistency
Direction 4 – Promote business activities in industrial and commercial areas.	Not relevant to the objectives and outcomes sought by the planning proposal	N/A
Direction 5 – Support the growth of the health and aged care sectors.	Not applicable, as the proposal does not relate to or affect the health and aged care sectors.	N/A
Direction 6 – Promote the expansion of education and training opportunities.	Not applicable, as the proposal does not relate to or affect education or training.	N/A
Direction 7 – Promote tourism opportunities.	Not applicable, as the proposal does not relate to or affect tourism.	N/A
Direction 8 – Enhance the economic self-determination of Aboriginal communities.	Not applicable, as the proposal does not relate to or affect Aboriginal communities.	N/A
Direction 9 – Support the forestry industry.	Not applicable, as the proposal does not relate to or affect forestry.	N/A

Goal, Direction & Action Title	Relevance to the Planning Proposal	Consistency
Direction 10 – Sustainably manage water resources for economic opportunities.	Not applicable as the proposal does not relate to or affect water resources.	N/A
Direction 11 – Promote the diversification of energy supplies through renewable energy generation.	Not applicable as the proposal does not relate to or affect energy supplies.	N/A
Direction 12 – Sustainably manage mineral resources.	Not applicable, as the subject land is not known to contain any significant mineral resources.	N/A
Goal 2 – A healthy environment with pristine waterways		
Direction 13 – Manage and conserve water resources for the environment.	Not applicable, as the subject land is not known to contain any significant water resources.	N/A
Direction 14 – Manage land uses along key river corridors.	Not applicable as the subject land is not located within or near a river corridor.	N/A

Goal, Direction & Action Title	Relevance to the Planning Proposal	Consistency
Direction 15 – Protect and manage the region’s many environmental assets.	Not applicable as the subject land has no environmental assets within the context of this Direction.	N/A
Direction 16 – Increase resilience to natural hazards and climate change.	Not applicable as the subject land is not subject to any natural hazards.	N/A
Goal 3 – Efficient transport and infrastructure networks		
Direction 17 – Transform the region into the eastern seaboard’s freight and logistics hub.	Not relevant, as the proposal does not relate to or affect industry or freight.	N/A
Direction 18 – Enhance road and rail freight links.	Not relevant, as the proposal does not relate to or affect freight.	N/A
Direction 19 – Support and protect ongoing access to air travel.	Not relevant, as the proposal will not affect air travel.	N/A
Direction 20 – Identify and protect future transport corridors.	Not relevant to the subject proposal.	N/A

Goal, Direction & Action Title	Relevance to the Planning Proposal	Consistency
Direction 21 – Align and protect utility infrastructure investment.	Not relevant as the planning proposal does not currently benefit from utility infrastructure that relates to the context of the direction.	N/A
Goal 4 – Strong, connected and healthy communities		
Direction 22 – Promote the growth of regional cities and local centres.	Not relevant to the subject proposal.	N/A
Direction 23 – Build resilience in towns and villages.	Not relevant to the subject proposal.	N/A
Direction 24 – Create a connected and competitive environment for cross-border communities.	Not relevant to the subject proposal.	N/A
Direction 25 – Build housing capacity to meet demand.	Not relevant to the subject proposal.	N/A

Goal, Direction & Action Title	Relevance to the Planning Proposal	Consistency
Direction 26 – Provide greater housing choice.	Not relevant to the subject proposal.	N/A
Direction 27 – Manage rural residential development.	Not relevant to the subject proposal.	N/A
Direction 28 – Deliver healthy built environments and improved urban design.	Not relevant to the subject proposal.	N/A
Direction 29 – Protect the region's Aboriginal and historic heritage.	Relevant as all development on vacant land should consider the prospect of Aboriginal artefacts being present.	<p>Any future development will be subject to the 'due diligence' process for ascertaining the likelihood or otherwise of Aboriginal artefacts being present. This process assists in the protection Aboriginal heritage.</p> <p>Notwithstanding the above, given the current use of the land, the level of disturbance previously undertaken on-site and a general lack of 'landscape features', the likelihood of items of Aboriginal Cultural Heritage significance being present on-site is considered low.</p>

Appendix C: Consistency with State Environmental Planning Policies

Table 5 – Consistency with State Environmental Planning Policies

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in non-rural areas	Applies to part of the Murray River Local Government Area	Not applicable to the current Planning Proposal.
Chapter 3 – Koala habitat protection 2020	Applies as the subject land is located in the RU1, RU2 or RU3 zones	The Planning Proposal is consistent with this control as the reclassification does not create a development outcome that intends to remove or impact any koala habitat as a result of any future development of the land.
Chapter 4 – Koala habitat protection 2021	Not applicable as the subject land is not identified as a prescribed zone within the 2021 SEPP.	Not applicable to the current Planning Proposal.
Chapter 5 – River Murray lands	Applies to part of the Murray River Local Government Area	Not applicable.
Chapter 6 – Bushland in urban areas	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 7 – Canal estate development	Not applicable to the Murray River Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
Chapter 8 – Sydney drinking water catchment	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 9 – Hawkesbury-Nepean River	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 10 – Sydney Harbour Catchment	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 11 – Georges River Catchment	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 12 – Willandra Lakes Region World Heritage Property	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
State Environmental Planning Policy (Housing) 2021		
Chapter 2 – Affordable housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
Chapter 3 – Diverse housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 2 – Western Sydney employment area	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 3 – Advertising and signage	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Aboriginal land	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 4 – Concurrences and consents	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Precincts – Central River City) 2021		

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 4 – Homebush Bay area	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 5 – Kurnell Peninsula	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 6 – Urban renewal precincts	Not applicable to the Murray River Local Government Area.	Not applicable.

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Darling Harbour	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 4 – City West	Not applicable to the Murray River Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
Chapter 5 – Walsh Bay	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 6 – Cooks Cove	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 7 – Moore Park Showground	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Regional) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Activation precincts	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 4 – Kosciuszko National Park and alpine resorts	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 5 – Gosford city centre	Not applicable to the Murray River Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 4 – Western Sydney Aerotropolis	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 5 – Penrith Lakes Scheme	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 6 – St Mary's	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 7 – Western Sydney Parklands	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Primary Production) 2021		
Chapter 2 – Primary production and rural development	Not applicable as the subject land has not been identified as state significant agricultural land on the	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
	draft SSAL Map prepared by NSW DPI.	
Chapter 3 – Central Coast plateau areas	Not applicable to the Murray River Local Government Area.	Not applicable.
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 – Coastal management	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 3 – Hazardous and offensive development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 4 – Remediation of land	Applies to all land in the State.	Not applicable as clause 6 Contamination and remediation to be considered in zoning or rezoning proposal was repealed on 17 April 2020.
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, petroleum production and extractive industries	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided for in the SEPP.
Chapter 3 – Extractive industries in Sydney area	Not applicable to the Murray River Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
Chapter 3 – Educational establishments and child care facilities	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 4 – Major infrastructure corridors	Not applicable to the Murray River Local Government Area.	Not applicable.
Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle	Not applicable to the Murray River Local Government Area.	Not applicable.
Draft State Environmental Planning Policies		
Environment SEPP	Not applicable to the Murray River Local Government Area.	Not applicable.
Corridor Protection SEPP	Not applicable to the Murray River Local Government Area.	Not applicable.

Appendix D: Consistency with Section 9.1 Ministerial Directions

Table 6 – Consistency with Section 9.1 Ministerial Directions

No.	Title	Applicable to Planning Proposal	Consistency
1. Planning Systems			
1.1	Implementation of Regional Plans	Yes, as this Direction applies to all Planning Proposals that apply to land where a Regional Plan has been prepared.	The Planning Proposal is consistent with the goals, directions and actions as contained within the <i>Riverina Murray Regional Plan 2036</i> . A full response in relation to this Regional Plan has been provided as Appendix C .
1.2	Development of Aboriginal Land Council Land	Not applicable, as the subject land is not identified on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable.
1.3	Approval and Referral Requirements	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not propose any referral or concurrence requirements or nominate any development as 'designated development'.
1.4	Site Specific Provisions	Not applicable as the proposal does not propose any site-specific provisions.	Not applicable.
1. Planning Systems – Place Based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.14	Implementation of Greater Macarthur 2040	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.16	North West Rail Link Corridor Strategy	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
1.17	Implementation of Bays West Place Strategy	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.

Design and Place Systems

Nil			
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Biodiversity and Conservation

No.	Title	Applicable to Planning Proposal	Consistency
3.1	Conservation Zones	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not involve land identified as environmentally sensitive and does not seek to reduce the environmental protection standards that apply to the land.
3.2	Heritage Conservation	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not affect existing provisions within MLEP 2011 relating to the protection of known European and Aboriginal heritage.
3.3	Sydney Drinking Water Catchment	Not applicable, as the land is not located within the Sydney Drinking Water Catchment.	Not applicable.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.
3.5	Recreation Vehicle Areas	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the <i>Recreation Vehicles Act 1983</i> .

Resilience and Hazards

4.1	Flooding	No, as the subject site is not known to be flood prone.	Not applicable.
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No.	Title	Applicable to Planning Proposal	Consistency
4.2	Coastal Management	Not applicable as the subject land is not located in a coastal management area.	Not applicable.
4.3	Planning for Bushfire Protection	Not applicable as the subject land is not mapped as bushfire prone.	Not applicable.
4.4	Remediation of Contaminated Land	Yes, Clause 4.4(b) of the direction triggers consideration of this matter.	<p>The Planning Proposal is considered to be consistent with this direction as:</p> <ul style="list-style-type: none"> the subject land is not identified as an investigation area under the Contaminated Land Management Act 1997, and any future development of the land will not be for residential, educational, recreational or childcare purposes, or for the purposes of a hospital. The land has previously been used for a purpose (agriculture) which is referred to in Table 1 of the contaminated land planning guidelines. However, the ongoing use of the land will enable the continuation of agricultural type activities. With reference to clause (4) of the direction, the Planning Proposal does not seek to rezone the land. The intent of the Planning Proposal would not result in the introduction new uses above and beyond what is already permissible in the current zone (RU1 – Primary Production).
4.5	Acid Sulphate Soils	Not applicable, as the subject land is not identified as containing acid sulphate soils.	Not applicable.
4.6	Mine Subsidence & Unstable Land	Not applicable, as the subject land is not within a Mine Subsistence District.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
Transport and Infrastructure			
5.1	Integrating Land Use and Transport	Not applicable as does not propose to create, alter or remove a zone or provision relating to urban land	Not applicable.
5.2	Reserving Land for Public Purposes	Yes, as this Direction applies to all Planning Proposals.	This Planning Proposal has been prepared to seek the relevant government endorsement to convert this parcel of land from Community Land to Operational Land.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable, the planning proposal does not seek to create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	Not applicable.
5.4	Shooting Ranges	Not applicable, as the subject land is not located in the vicinity of a shooting range.	Not applicable.
Housing			
6.1	Residential Zones	Not applicable, as the subject planning proposal does not affect land within an existing or proposed residential zone.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
6.2	Caravan Parks & Manufactured Home Estates	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction as it does not reduce the opportunities for caravan parks and manufactured homes estates on the subject land.
Industry and Employment			
7.1	Business and Industrial Zones	Not applicable, the planning proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Not applicable
7.2	Reduction in non-hosted short term rental accommodation period	Not applicable to the Murray River Local Government Area.	Not applicable.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable, as the subject land is not located within proximity to the Pacific Highway.	Not applicable.
Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable as the Planning Proposal does not impact on mining, petroleum or extractive industries.	The subject planning proposal will not (a) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or

No.	Title	Applicable to Planning Proposal	Consistency
			(b) restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
Primary Production			
9.1	Rural Zones	Yes, the subject site is located in a rural zone.	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). In particular Direction (1)(a) applies to all relevant planning authorities, including Murray River Council LGA.</p> <p>Direction 9.1(1)(a) states a planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>The planning proposal does not seek to rezone the land and is therefore considered to be consistent with the direction.</p>
9.2	Rural Lands	Yes, the subject site is located in a rural zone.	<p>This direction applies to a relevant planning authority outside of the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or (b) changes the existing minimum lot size on land within a rural or conservation zone.</p> <p>The planning proposal does not seek to alter any existing rural or conservation zone boundary OR seek changes to the existing minimum lot size on the land. It is therefore considered that the subject planning proposal is consistent with this direction.</p>

No.	Title	Applicable to Planning Proposal	Consistency
			The proposal is consistent with subsections 1(a) to (i), inclusive. Responses relating to each have been provided in previous sections of this planning proposal.
9.3	Oyster Aquaculture	Not applicable as the subject site is not identified as a 'Priority Oyster Aquaculture Area' and is not identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)	Not applicable.
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable, does not apply to the Murray River Local Government Area.	Not applicable.

Appendix E: LEP Practice Note - PN16-001

Appendix F: PN16-001 – Information Checklist

INFORMATION CHECKLIST FOR PROPOSALS TO CLASSIFY OR RECLASSIFY PUBLIC LAND THROUGH AN LEP

The process for plan-making under the EP&A Act is detailed in the *Local Environmental Plan Making Guideline* (December 2021).

Importantly, the Guideline contains the Secretary's requirements for matters that must be addressed in the justification of all planning proposals to reclassify public land.

Councils must ensure the Secretary's requirements are addressed. Councils must also comply with any obligations under the *Local Government Act* when classifying or reclassifying public land. More information on this can be found in Practice Note No. 1 - Public Land Management (Department of Local Government, 2000).

All planning proposals classifying or reclassifying public land must address the following matters (**Table 7** below) for Gateway consideration in accordance with PN16-001 – Information Checklist. These are in addition to the requirements for all planning proposals under section 3.33(2)(a) – (e) of the *Environmental Planning & Assessment Act* (and further explained in *Local Environmental Plan Making Guideline*).

Table 7 – Matters for Consideration

Matters for Consideration	Response
the current and proposed classification of the land;	Current: Community land Proposed: Operational land
whether the land is a 'public reserve' (defined in the LG Act);	The land is not defined as a 'public reserve' for the purposes and definition as set out in the Local Government Act.
the strategic and site-specific merits of the reclassification and evidence to support this;	The site was purchased by Council on 29th August 2018 under a Memorandum of Understanding entered into with a third party. The third party proposed to purchase the land from Council and subsequently establish an ethanol plant on the subject land. Please see Agenda Item 8.1.2 from the Murray River Council meeting held 25 August 2020 which summarises the details of this purchase and dealings arounds its original intended use. The third party chose not to pursue the purchase of the land from Council and has now ceased their

Matters for Consideration	Response
	<p>plans to establish an ethanol plant in Moama. As Council has retained ownership of this land, Council's preference is to reclassify the site so that it may be used for future development. At this stage Council has no formal plans for the site however, to move forward with any planning for the site, the land is required to be classified as 'Operational'. The land is zoned RU1 primary production and until the end of January 2022 was actively farmed under a lease agreement with the original Vendor -see Dealing AN841662 listed on the Certificate of Title. This land is located approximately 10km (as the crow flies) from the town area of Moama, is not suitably located to facilitate any community use and was never intended to be utilised for a community use. This Planning Proposal is sought to correct the failure of Council to classify the site as 'Operational Land' within the 90 days of purchase, as required by the LG Act.</p>
<p>whether the planning proposal is the result of a strategic study or report;</p>	<p>The proposal is not the result of a strategic study or report.</p>
<p>whether the planning proposal is consistent with council's community plan or other local strategic plan;</p>	<p>The Proposal is considered consistent with Council's current Community Strategic Plan (CSP) and Local Strategic Planning Statement (LSPS). Further details are discussed in Section 3.3.4.</p>
<p>a summary of council's interests in the land, including:</p> <p>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)</p>	<p>Please see previous comments and Agenda 8.1.2 from the Murray River Council meeting held 25 August 2020 which summarises the details of this purchase and dealings arounds the original intended use.</p> <p>Council is the owner of the land. A title search of the lot has been included as Appendix A to illustrate encumbrances affecting this lot. The land is currently affected by Dealing AN841662 'LEASE TO PETER QUINN RURAL CONTRACTING PTY LTD'. The Dealing expires 18/9/2023 with 5 year option of renewal. The lease enabled the former Vendor to continue</p>

Matters for Consideration	Response
<p>if council does not own the land, the land owner's consent;</p> <p>the nature of any trusts, dedications etc;</p>	<p>farming the site. This lease was terminated on 31 January 2022. Council is in the process of having the encumbrance removed from the Title.</p>
<p>whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;</p>	<p>The interest (Dealing AN841662) is proposed to be discharged. The lease agreement with the former Vendor has been terminated.</p>
<p>the effect of the reclassification (including, the loss of public open space, any discharge of interests and/or removal of public reserve status</p>	<p>See previous comments within this table and the Planning Proposal. The land was purchased for the express purpose of facilitating the development of an ethanol plant by a third party. The reclassification will enable Council to utilise the site for future development to service the Moama area. The land is not currently utilised for, nor was it ever intended to be utilised for community facilities or services and as such there will be no net loss to the community as a result of this proposal. The land is not categorised as public reserve and only a void private interest (farming lease) effects the site.</p>
<p>evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);</p>	<p>The relevant title searches that apply to the land are included as Appendix A to the Planning Proposal.</p>
<p>current use(s) of the land, and whether uses are authorised or unauthorised;</p>	<p>The site is currently RU1 zoned and is utilised for extensive agriculture (cropping and grazing). This use is permitted without consent under the Murray LEP 2011.</p>

Matters for Consideration	Response
<p>current or proposed lease or agreements applying to the land, together with their duration, terms and controls;</p>	<p>The land is affected by Dealing AN841662 'LEASE TO PETER QUINN RURAL CONTRACTING PTY LTD'. The Dealing expires 18/9/2023 with 5 year option of renewal. This lease is now terminated. It is proposed to discharge this interest. Council have commenced this process with our legal representatives.</p>
<p>current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);</p>	<p>Currently, the land is affected by Dealing AN841662 'LEASE TO PETER QUINN RURAL CONTRACTING PTY LTD'. The Dealing expires 18/9/2023 with 5 year option of renewal. This lease has been terminated and the Dealing is soon to be removed from the Title.</p> <p>Council intends to develop the site in future however has no formal plans at present. The future development of the site may require a future planning proposal to be drafted and may include rezoning from RU1 to a commercial or industrial zone. As at the date of this Planning Proposal, Council have not established any specific plans or timeframes for such a proposal. The future use of the site is reliant on the land being reclassified to operational land.</p>
<p>any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);</p>	<p>No rezoning is sought as part of this Planning Proposal.</p>
<p>how council may or will benefit financially, and how these funds will be used;</p>	<p>Council may profit from future development of the site. It is anticipated that these funds will be allocated to the future expansion/purchase of industrial land within the LGA and/or contribution towards providing services for our community.</p>

Matters for Consideration	Response
how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	The funding of open space sites will not be affected by the subject reclassification. Council's capital works budget, together with the list of projects forming part of a Developer Contributions Plan will ensure funds continue to be available for open space provision/improvement. This land is not public space, however future development of the site may attract contributions towards new or existing public open spaces.
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; and	The land reclassification applies to the entirety of the subject lot
preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	No preliminary comments are available at the stage of drafting the Planning Proposal. Relevant government agencies will be consulted in accordance with the Gateway determination.