



IRF22/3051

## Gateway determination report – PP-2022-2347

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Reclassification of land from 'Community' to  
'Operational' at Lot 3 DP813704, Centre Road,  
Moama.

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
PP-2022-2347 Lot 3 DP813704 Line Road, Moama - FINAL
Agenda of Ordinary Council Meeting – Tuesday 23 August 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

LGA	LGA name
PPA	Murray River Council
NAME	Reclassification of Lot 3 DP813704 from community land to operational land
NUMBER	PP-2022-2347
LEP TO BE AMENDED	Murray Local Environmental Plan 2011
ADDRESS	Centre Road, Moama
DESCRIPTION	Lot 3 DP813704
RECEIVED	24/08/2022
FILE NO.	IRF22/3051
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal
DWELLINGS/JOBS	0/0

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are 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

The planning proposal states that the land was purchased by Council for ‘future development opportunities’, however, is required to be reclassified. The planning proposal does not detail the future plans for the land, however Council’s Agenda of the Ordinary Meeting – Tuesday 23 August 2022 indicates that it is intended to be utilised for future commercial activities near the Moama township.

The intended outcome of the planning proposal is to rectify an administrative oversight that will classify the land as ‘operational’ land as intended by Council. The reclassification is required under the *Local Government Act 1993* to meet Council’s intentions.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Murray LEP 2011 (LEP) through inserting the subject land into Part 1 (Land classified, or reclassified, as operational land – no interests changed) of Schedule 4 (Classification and reclassification of public land).

The planning proposal contains an explanation of provisions that adequately outlines how the objectives of the proposal will be achieved.

Council advice and the Certificate of Titles indicate that no interests are being changed and therefore there is no requirement for consideration by the Executive Council or to seek the Governor's approval.

Council will need to comply with LEP Practice Note PN 16-001 - Classification and reclassification of public land through a local environmental plan amendment. There is no change to the existing land use zoning or other provisions applying to the land under the Murray LEP 2011.

## 1.4 Site description and surrounding area

The subject land is located on Centre Road, Moama approximately 13 kilometres north-east of Moama town centre, refer to Figure 1. The subject site is vacant, has a total area of 300 ha and fronts both the Moama/Deniliquin Railway Line and the Moama/Balranald Railway Line, refer to figure 2.

The site is relatively flat and previous uses of the land include broad-acre agricultural purposes. A few trees are located in the far north of the site and dams located on the north-west, south-east and centre of the site.

The land is zoned RU1 Primary Production with a minimum lot size of 120 ha. There are no additional environmental planning controls under the LEP. There are no identified biodiversity, wetlands, riparian, heritage or bushfire constraints under the LEP. The surrounding land is zoned RU1 Primary Production and is used for similar broadacre agricultural purposes and ancillary uses.



**Figure 1 Subject site (source: E-planning spatial viewer )**



**Figure 2 Site context (source: E-planning spatial viewer )**



**Figure 3 Site context (source: E-planning spatial viewer)**

## 1.5 Mapping

The Murray LEP 2011 includes a Land Reclassification (Part Lots) Map.

The subject land is proposed to be reclassified in its entirety, and not part, and therefore a Land Reclassification (Part Lots) Map is not required. No LEP maps are required.

## 1.6 Background

The planning proposal addresses an administrative error as Murray River Council (council) did not classify the land as 'operational' within the three months statutory timeframe after subject land was purchased by Council as allowed under section 31(2A) the *Local Government Act, 1993*.

The classification of the land as 'operational' did not occur within 3 months of title transfer and was by default classified as 'community' land. Consequently, a planning proposal is required to address this administrative oversight.

## 2 Need for the planning proposal

The planning proposal is not the result of a strategic study or report. Council is making this administrative correction to allow for the land classification to reflect its intentions for the future development of the land.

The subject site was not intended to be used as 'community' land or open space. The planning proposal is intended to address an administrative oversight by Council as the land has defaulted to 'community' land classification.

To rectify this, an LEP amendment through inserting the subject land in Part 1 of Schedule 4 of the Murray LEP 2011. The planning proposal to reclassify the land as 'operational' is the best means to facilitate the intended outcome.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal states that it is not inconsistent with the Riverina Murray Regional Plan 2036 (see Appendix B of the planning proposal) and draft Riverina Murray Regional Plan 2041. It is agreed that this is the case as the planning proposal is administrative in nature and does not impact on land use permissibility or the provision of open space.

### 3.2 Local

The planning proposal is not inconsistent with the Murray River Local Strategic Planning Statement (LSPS). The amendment is administrative in nature and does not result in any change or impact on land use permissibility.

### 3.3 Section 9.1 Ministerial Directions

While some section 9.1 Ministerial Directions apply to all planning proposals, in this instance there are no inconsistencies given the administrative nature of the planning proposal as outlined in pages 6 & 7 of the planning proposal. The assessment of the section 9.1 Ministerial Directions is supported, and no further work is required - refer to Appendix D, Table 6 of the planning proposal.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with relevant SEPPs. Refer to Appendix C of the planning proposal.

## 4 Site-specific assessment

### 4.1 Environmental, social and economic

The reclassification is administrative in nature and will not impact on land use permissibility or surrounding public open space. Therefore, it is not expected that there will be any direct environmental, social or economic impacts. Changing the land classification from community to operational will improve certainty around how council can deal with the land.

The environmental, social and economic impacts can be assessed in detail as part of any future Development Application for the development of the land for residential purposes. There are no changes to zoning, permissible land use, minimum lot size or other LEP provisions.

### 4.2 Infrastructure

The reclassification is administrative in nature and will not impact on land use permissibility. Therefore, it is not expected that there will be any direct infrastructure implications as a result of the proposed land reclassification.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days. In addition, a public hearing is also required for reclassifications under section 29 of the *Local Government Act 1993*.

Given the nature of the 'basic' proposal and the public hearing, a 14 day exhibition period is considered appropriate, and is supported by conditions of the Gateway determination.

### 5.2 Agencies

The planning proposal does not identify any government agencies to be consulted. This approach is supported given the minor administrative nature of the planning proposal.

## 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

The planning proposal does not mention, or request Council be the local plan-making authority.

It is noted that Council has an interest in the planning proposal as the owner and manager of the subject land.

Therefore, the Department recommends that Council is not authorised as the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal addresses an administrative oversight by Council.
- There are no inconsistencies with the regional plan or local strategic planning statement
- The proposed reclassification is unlikely to cause any known adverse environment, social, economic or infrastructure impacts.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. A public hearing is required to be held into the matter.

3. No agency consultations are required.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



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(Signature)

8 September 2022 (Date)

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9 September 2022 (Date)

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