



Gateway determination report – PP-2024-1477

Reclassification of Land from Community Land to Operational Land –
Drainage Reserves

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
Attachment Council Report - Murray River Council Ordinary Meeting – 28 May 2024
Attachment A - Planning Proposal – Habitat Planning –March 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Murray River
PPA	Murray River Council
NAME	Reclassification of 22 sites from Community to Operational Land – Drainage reserves (0 homes, 0 jobs)
NUMBER	PP-2024-1477
LEP TO BE AMENDED	Murray Local Environmental Plan 2011
DESCRIPTION	22 sites: Lot 126 DP1264832, Lot 11 DP1103416, Lot 16 DP1084308, Lot 23 DP256000, Lot 56 DP1175457, Lot 91 DP1220526, Lot 33 DP1259774, Lot 34 DP1259774, Lot 34 DP1209212, Lot 104 DP1256111, Lot 17 DP1175457, Lot 95 DP1201662, Lot 131 DP1226905, Lot 2 DP1255836, Lot 171 DP1245186, Lot 115 DP1268382, Lot 226 DP1261570, Lot 61 DP1082147, Lot 9 DP841556, Lot 121 DP1238057, Lot 194 DP1251358, Lot 23 DP1240379.
RECEIVED	4/07/2024
FILE NO.	IRF24/1580
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

1.2 Objectives of planning proposal

The planning proposal (see **Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal. The proposed amendment will facilitate the correction of errors in land classification of 22 drainage reserves within the Murray LGA.

The objectives of the planning proposal are to:

- Reclassify the land from Community to Operational (no interests to discharge)

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 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Reclassify land from	Community	Operational (no interests discharged)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. It is noted that no rezoning is required for the subject lands.

1.4 Site description and surrounding area

The subject sites are located in the town of Moama in Murray LGA.

Part 2 (pages 7-16) of the planning proposal provides an assessment of each property including land title, address and current zoning, as well as an aerial image of each site. However, there is an error in relation to Lot 23 DP1240379, as page 16 refers to this site as located in “Moama”, when it is located in “Barham”. A recommendation has been included that the planning proposal be updated to correct this error.

A list of the subject land is as follows:

Column 1	Column 2	
Locality	Description	Applicable LEP
Barham	Lot 23/DP1240379, 41 Vinecombe Lane, Barham	WLEP
Moama	Lot 126/DP1264832, Nicholas Drive, Moama	MLEP
Moama	Lot 11/-/DP1103416, McCulloch Drive, Moama	MLEP
Moama	Lot 16/-/DP10884308, Cabernet Drive, Moama	MLEP
Moama	Lot 23/-/DP256000, Lea Court, Moama	MLEP
Moama	Lot 56/-/DP1175457, Martin Road, Moamar	MLEP
Moama	Lot 91/-/1220526, Cabernet Drive, Moama	MLEP
Moama	Lot 33/-/DP1259774, Brolga Avenue, Moama	MLEP
Moama	Lot 34/-/DP1259774, Brolga Avenue, Moama	MLEP
Moama	Lot 34/-/DP1209212, Marion Court, Moama	MLEP
Moama	Lot 104/-/DP1256111, Firefly Court, Moama	MLEP

Moama	Lot 171/-/DP1175457, Beer Road, Moama	MLEP
Moama	Lot 95/-/DP1201662, Ghost Gum Place, Moama	MLEP
Moama	Lot 131/-/DP1226905, River Gums Drive, Moama	MLEP
Moama	Lot 2/-/DP1255836, Pericoota Road, Moama	MLEP
Moama	Lot 171/-/DP1245186, Marsanne Drive, Moama	MLEP
Moama	Lot 115/-/DP1268382, Sand Piper Street, Moama	MLEP
Moama	Lot 226/-/DP1261570, 26 Hermitage Drive, Moama	MLEP
Moama	Lot 61/-/DP1082147, Cabernet Drive, Moama	MLEP
Moama	Lot 9/-/DP841556, Barber Court, Moama	MLEP
Moama	Lot 121/-/DP1238057, Marsanne Drive Moama	MLEP
Moama	Lot 194/-/DP1251358, Durif Drive, Moama	MLEP

1.5 Mapping

The planning proposal does not include any changes to development controls, therefore, there are no changes to the LEP maps.

1.6 Background

Council has undertaken a 'Needs and Demands' analysis of its sports and recreation assets to determine current and future requirements (CT Management *Needs and Demand Assessment for Sport and Recreation Facilities* 2021).

2 Need for the planning proposal

On 28 May 2024, Council resolved to proceed with a planning proposal that aims to rectify the findings of the Needs and Demands Assessment (a confidential report of Council) that the subject lands were classified in error (see **Council Report** attachment). This proposal seeks to correct administrative errors in classifying these drainage parcels of council-owned land as 'community' rather than 'operational'.

The proposal will add the 22 properties to Part 1 of Schedule 4 of the Murray LEP 2011. There is no other planning mechanism to reclassify community land to operational land under the LG Act, as such the planning proposal is required to achieve the intended outcomes.

It is noted that while the planning proposal references the LEP Practice Note PN 16-001, it does not address the checklist in Attachment 1 that identifies the information required to accompany a planning proposal for reclassifying land. A condition has been recommended for the Gateway determination that the checklist be addressed in the planning proposal prior to public exhibition.

3 Strategic assessment

3.1 Regional Plan

The planning proposal is not inconsistent with the Riverina Murray Regional Plan 2041. There are no specific provisions in the regional plan relevant to the reclassification of land.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The planning proposal is broadly consistent with the LSPS, recognising the importance of community recreation facilities within the LGA.
Murray Shire Strategic Land Use Plan 2010-2030	The planning proposal is broadly consistent with the Murray Shire Strategic Land Use Plan 2010-2030 (the Strategy). While the proposal will result in a net loss of community land, the sites identified are not suitable to be utilised as public recreation spaces.
Murray River Local Housing Strategy	The planning proposal is broadly consistent with the Local Housing Strategy. The reclassification of the sites will not impact the implementation of the Local Housing Strategy.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Implementation of Regional Plans	Yes	See Section 3.1 of this report. The Riverina Murray Regional Plan 2041 has been adequately considered.
5.2 Reserving Land for Public Purposes	Yes	The planning proposal seeks to reclassify council-owned land from 'Community' to 'Operational'. It does not seek to "create, alter or reduce existing zonings or reservations of land for public purposes". While some affected lands do have a "reservation" status, the reclassification will not alter this. Therefore, this Direction is consistent.

3.4 State environmental planning policies (SEPPs)

No SEPPs are relevant to the planning proposal outcomes.

4 Site-specific assessment

4.1 Environmental

The planning proposal does not change any development controls and will therefore have no impact on the environment.

4.2 Social, economic and infrastructure

The planning proposal will rectify the classification error of the lands from 'community' to 'operational', and correctly identify the sites as drainage reserves. There are no expected social, economic or infrastructure implications from the proposal.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Crown Lands

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 1 April 2025 (9 months) in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination. It is also recommended that if the gateway is supported it also includes conditions requiring council to exhibit and hold a public hearing.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

It is noted that Council has an interest in subject land, being the landowner. However, as the proposal is relatively minor and it will not result in any change to the use of the land, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - a) address the requirements outlined in Attachment 1 of the department's LEP Practice Note PN 16-001, and
 - b) correct the property details of Lot 23 DP1240379 to reflect its location in "Barham", not "Moama".
2. Consultation is required with the following public authorities:
 - Crown Lands
3. The planning proposal should be made available for community consultation for a minimum of 20 working days
4. A public hearing is required to be held.
5. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 1 April 2025 be included on the Gateway.
6. The timeframe for the LEP to be completed is on or before 1 April 2025.



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