

Planning Proposal

(PP-2026-709)

CLAUSE 5.2 - ADMINISTRATIVE LOCAL ENVIRONMENTAL PLAN (LEP) AMENDMENT TO THE WAKOOL LEP 2013 AND THE MURRAY LEP 2011 FOR THE RECLASSIFICATION OF 9 LOTS FROM 'COMMUNITY LAND' TO 'OPERATIONAL LAND' IN ACCORDANCE WITH PART 2 OF CHAPTER 6 OF THE LOCAL GOVERNMENT ACT.

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Executive Summary

This Planning Proposal has been prepared by Murray River Council in support of an amendment to the *Murray Local Environmental Plan 2011* ("the MLEP") and *Wakool Local Environmental Plan 2013* ("the WLEP").

Specifically, the Planning Proposal seeks to utilise the provisions of Clause 5.2 of the MLEP and WLEP to reclassify nine (9) Lots (listed in Section 2) from "community land" to "operational land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993* by amending:

- Schedule 4, Part 1 of the MLEP and WLEP to include four (4) of the nine (9) lots of land, and
- Schedule 4, Part 2 of the MLEP and WLEP to include five (5) of the nine (9) lots of land.

The land identified within this Planning Proposal includes parcels of Council land which have been identified as surplus to Council requirements or not in accordance with Council's strategic direction and provision of community facilities or open space. In or to enable greater future potential of these land parcels, including by way of reuse or divestment (disposal), the land is now sought to be reclassified from Community land to Operational 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 & Environment's guideline titled: *Local Environmental Plan Making Guideline (August 2023)*.

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it relates to the classification or reclassification of public land through an LEP (i.e., the MLEP or WLEP).

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

- The proposal is consistent with the strategic planning framework including State, Regional, District and local planning strategies for Murray River Council.
- The proposal seeks to reclassify several land parcels from Community to Operational, as these parcels are assessed as being not in accordance with Council's strategic direction or surplus to Council's requirements following the completion of a needs and demand assessment.
- The resultant changes are not expected to create any adverse impacts in terms of environmental, social or infrastructure provision.
- It is recommended that Murray River Council resolve to support the changes to the MLEP and WLEP as detailed in this Planning Proposal and forward it to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

1. Introduction

1.1. Overview

This Planning Proposal has been prepared on behalf of Murray River Council in support of an amendment to the *Murray Local Environmental Plan 2011* ("the MLEP") and *Wakool Local Environmental Plan 2013* ("the WLEP").

Specifically, the Planning Proposal seeks to utilise the provisions of Clause 5.2 of the MLEP and WLEP to reclassify nine (9) Lots (listed in Section 2) from "community land" to "operational land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993* by amending:

- Schedule 4, Part 1 of the MLEP and WLEP to include four (4) of the nine (9) lots of land, and
- Schedule 4, Part 2 of the MLEP and WLEP to include five (5) of the nine (9) lots of land.

In 2023, Council endorsed the *Murray River Council Needs and Demand Assessment for Sport and Recreation Facilities (2023)* (the "Needs and Demand Assessment"). The Needs and Demand Assessment comprehensively audited all parks and recreation facilities throughout the Shire and sought to "*identify opportunities and requirements for improvement or consolidation of resources, and to ensure that the level of facility provision is suitable for the current distribution of residents throughout the MRC communities both now and into the future.*"

As part of the Needs and Demand Assessment, Council identified several land parcels which are surplus to Council requirements or not in accordance with Council's strategic direction and provision of community facilities or open space. To enable greater future potential of this land, including opportunities for reuse or divestment (disposal), Council now seeks this land be reclassified from Community land to Operational land.

The *Needs and Demand Assessment* is included in **Attachment F** of this Planning Proposal for reference. 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 & Environment's guideline titled: *Local Environmental Plan Making Guideline (August 2023)*.

This report demonstrates that the proposed amendments are consistent with the intent and objectives of the planning framework and strategic plans and policies. Consequently, this will provide the NSW Department of Planning, Housing and Infrastructure (DPHI) with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

It is requested that the Planning Proposal be referred to the Minister for Gateway Determination in accordance with Section 3.34 of the EP&A Act. The Gateway Determination by the Minister will decide:

- Whether the matter should proceed (with or without variation).
- 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 is 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. Scope and Format of Planning Proposal

The Planning Proposal details the merits of the proposed changes to the LEP and has been structured in the following manner consistent with the Department of Planning & Environment's guideline titled: *Local Environmental Plan Making Guideline*:

- Section 1.0 – Introduction.
- Section 2.0 – Objectives and intended outcomes.
- Section 3.0 – Explanation of the provisions.
- Section 4.0 – Justification.
- Section 5.0 – Mapping.
- Section 6.0 – Community consultation.
- Section 7.0 – Project timeline.
- Section 8.0 – Conclusions and recommendations.

1.3. Supporting Plans and Documentation

The Planning Proposal has been prepared with input primarily from the endorsed *Murray River Council Needs and Demand Assessment for Sport and Recreation Facilities (2023)*. This document is included as **Attachment F** to this report and should be read in conjunction with this proposal.

Table 1 – Attachments to Planning Proposal

Attachment	Document Name	Prepared by
A	Certificates of Title for 9 Lots	Murray River Council
B	Consistency with Riverina Murray Regional Plan 2041	Murray River Council
C	Consistency with State Environmental Planning Policies (SEPPs)	Murray River Council
D	Consistency with Section 9.1 Ministerial Directions	Murray River Council
E	LEP Information Checklist	Murray River Council
F	Murray River Council Needs and Demand Assessment for Sport and Recreation Facilities	Murray River Council and CT Management Group, Pty. Ltd.

G	LEP Practice Note PN-16-001 Classification and reclassification of public land through a local environmental plan	NSW Government
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2. Site and Context Descriptions

The land to which this Planning Proposal relates comprises nine (9) separate and non-contiguous parcels across the Murray River Local Government Area. The following section provides a summary of each of the identified land parcels, key characteristics and reasons for seeking reclassification either under Schedule 4, Part 1 of the MLEP and WLEP, where reserve status / interests are retained, or, under Schedule 4, Part 2 of the MLEP and WLEP, where reserve status and interests are removed.

Data for the various sites, and the relevant recommendations, have been adapted from the *Needs and Demand Assessment (Attachment F)*. Sections 2.1. and 2.2. below provides a summary for all nine (9) of the respective sites. Also see Table

2.1. Summaries for Sites 1 to 4, to be included under Schedule 4, Part 1 of the Murray River LEP and the Wakool LEP:

Site 1 - Lot 327, DP 1294514, 14 Centennial Street (Maidens Green Drainage Reserve), Moama

Address:	14 Centennial Street, MOAMA
Land Parcel Lot & DP:	Lot 327 DP 1294514
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	3808 square meters approx.
Current use:	Reserve
Recommendation - retention:	It is recommended that Council retain the land as a Drainage Reserve.
Site Map:	The red areas represent Lot 327 DP 1294514 (refer to the figure 1 below)

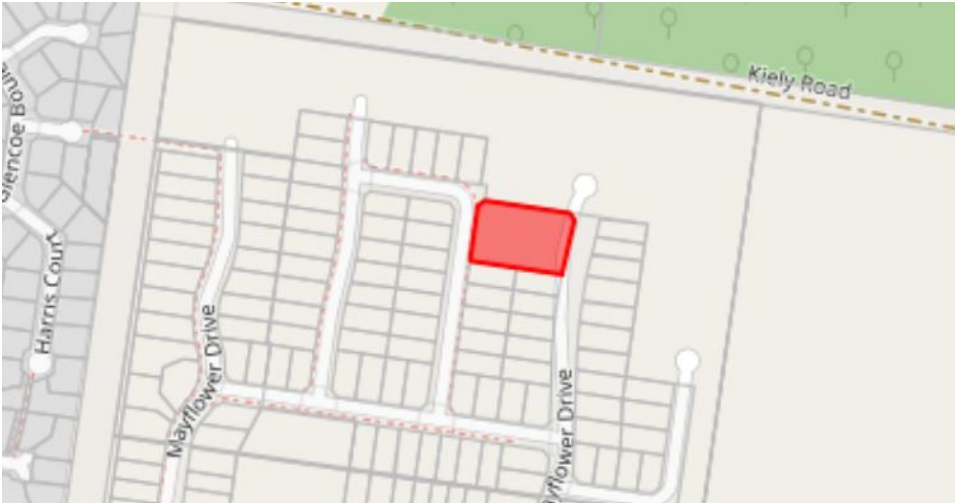


Figure 1 Subject site - 14 Centennial Street (Maidens Green Drainage Reserve), Moama Source: Intramaps, 2026



Figure 2 Site view from Mayfield Drive, 2025

**Site 2 - Lot 10, DP 10309193, Rivergums Drive (Rivergum Estate Drainage Reserve),
Barham**

Address:	Rivergums Drive, Barham
Land Parcel Lot & DP:	Lot 10 DP 10309193
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	1771 square metres approx.

Current use:	Reserve
Recommendation - retention:	It is recommended that Council retain the land as a drainage reserve.
Site Map:	The red areas represent Lot 10 DP 10309193 (refer to figure 3 below)

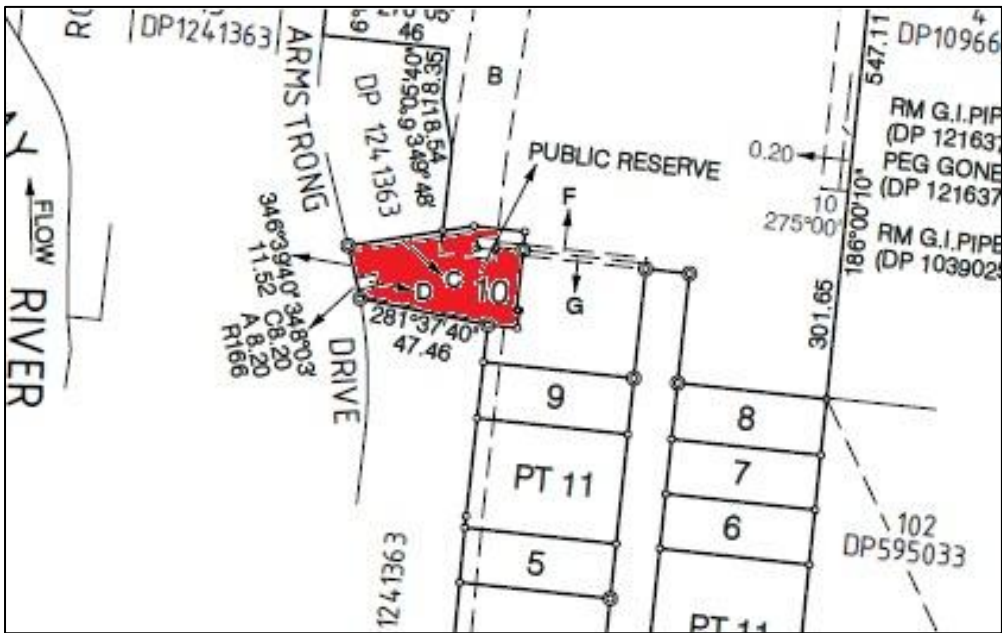


Figure 3 Rivergums Drive, Barham, Source: Certificate of Title, viewed 2026



Figure 4 Site view from the street, 2025



Figure 5 Site view from the street, 2025

Site 3 - Lot 209, DP 1307464, Beer Road (The Range Northern Drainage Reserve), Moama

Address:	Beer Road, Moama 2731
Land Parcel Lot & DP:	Lot 209 DP 1307464
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	22,029 square meters approx.
Current use:	Reserve
Recommendation - retention:	It is recommended that Council retain the land as a drainage reserve.
Site Map:	The red areas represent Lot 209 DP 1307464 (refer to figure 6 below).

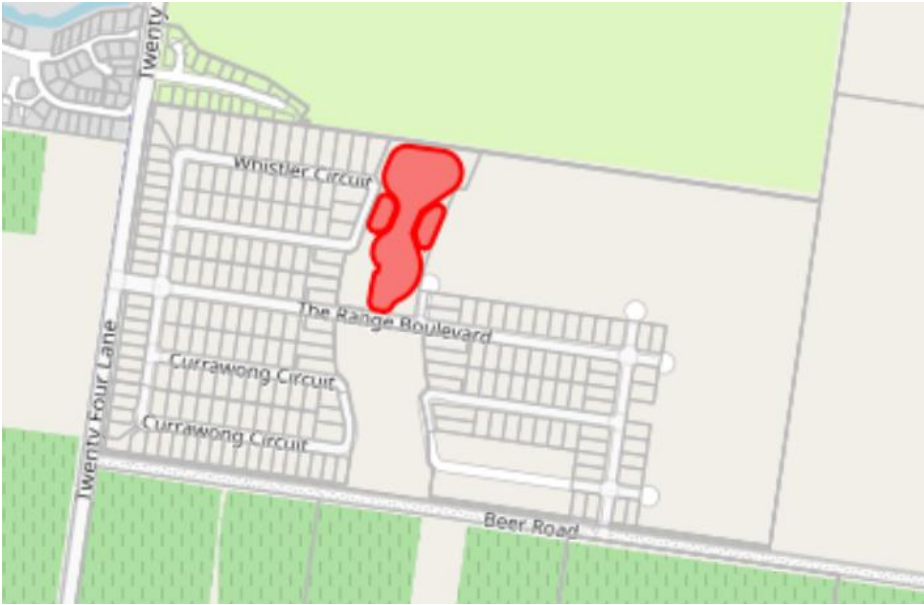


Figure 6 Beer Road, Moama, Source: Intramaps, 2026



Figure 7 site view from the corner of Whistler Circuit, 2025



Figure 8 site view from the northeast corner of lot, 2025

Site 4 - Lot 41, DP 1277564, Lignum Road (Botanical Views Drainage Reserve), Moama

Address:	LIGNUM ROAD MOAMA 2731
Land Parcel Lot & DP:	Lot 41 DP 1277564
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	4036 square meters approx.
Current use:	Reserve
Recommendation - retention:	It is recommended that Council retain the land as a drainage reserve.
Site Map:	The red areas represent Lot 41 DP 1277564 (refer to figure 9 below)

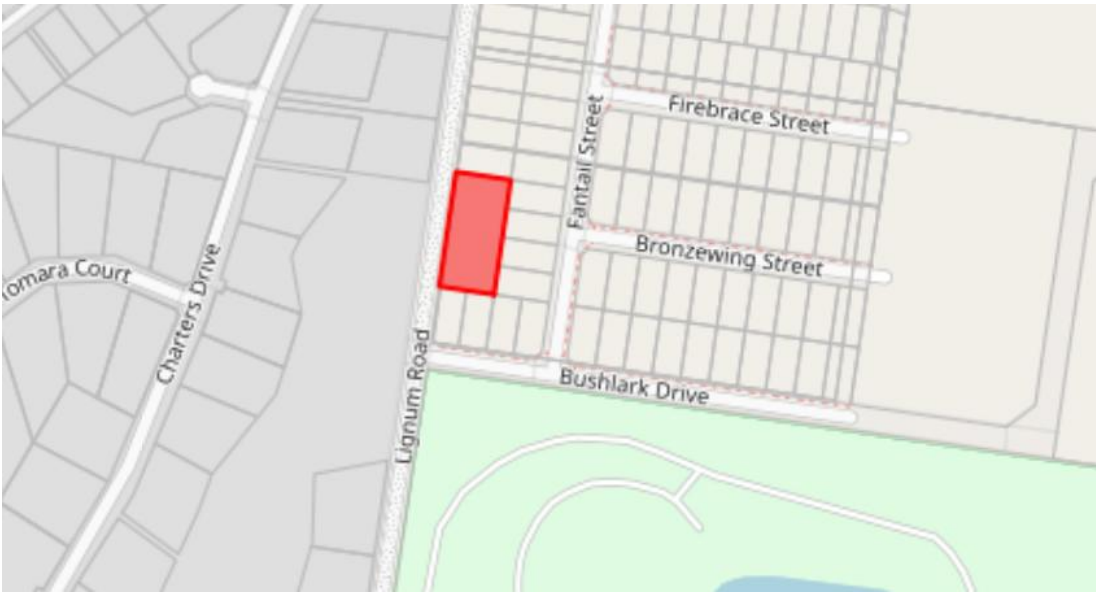


Figure 9 Lignum Road (Botanical Views Drainage Reserve), Moama, Source: Intramaps, 2026



Figure 10 Site view looking north, 2025



Figure 11 Site view from Lignum Road Moama, 2025

2.2. Summaries for Sites 5 to 9, to be included under Schedule 4, Part 2 of the Murray River LEP and the Wakool LEP:

Site 5 – Lot 27, DP 253930, Lawson Drive (Cnr Lawson Drive and Francis Street - East),
Moama

Address:	Lawson Drive (Cnr Lawson Drive and Francis Street - East), Moama
Land Parcel Lot & DP:	Lot 27, DP 253930
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	738.5 square metres approx.
Current use:	Reserve
Recommendation - consolidation, rationalisation or disposal:	It is recommended that Council investigate the option to dispose of this parcel of land. It provides minimal value as a park given it is smaller than the preferred size, and due to having no major embellishments.

There are also other parks within proximity to the location which will provide the necessary coverage if this lot is no longer part of the network.

Site Map:

The red area represents Lot 27, DP 253930 (refer to figure 12 below)



Figure 12 Subject site - Lawson Drive (Cnr Lawson Drive and Francis Street - East), Moama Source: Intramaps, 2026



Figure 13 Photograph showing from the site to Francis Street Moama, 2025

Site 6 – Lot 2, DP 867575, 3 Wakool Street, Tooleybuc

Address:	3 Wakool Street, Tooleybuc
Land Parcel Lot & DP:	Lot 2, DP 867575
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	1,862 square metres
Current use:	Reserve
Recommendation - consolidation, rationalisation or disposal:	Council is seeking approval to proceed with the reclassification of the site to operational as there is no further need for open space/reserve capacity in Tooleybuc. It is recommended that Council investigate the option to dispose of this parcel of land.
Site Map:	The red area represents Lot 2, DP 867575 (refer to figure 14 below)

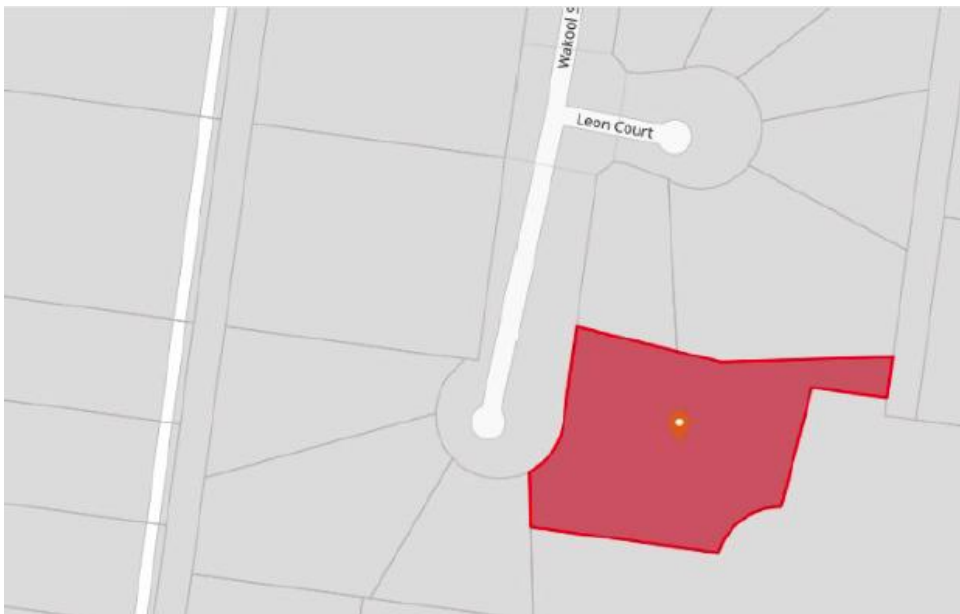


Figure 14 Subject site - 3 Wakool Street, Tooleybuc

Source: Intramaps, 2026



Figure 15 Subject site from Wakool Street, Tooleybuc, 2025



Figure 16 Subject site from Wakool Street, Tooleybuc, 2025

Site 7 - Lot 46, DP 12982, Ph Milleu (Goodnight Landing Reserve) Parish Portion, Goodnight

Address:	Ph Milleu PARISH PORTION (Pevensey Lane, Goodnight)
Land Parcel Lot & DP:	Lot 46, DP 12982
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	13,063 square meters approx.
Current use:	Bushland / Foreshore.
Recommendation - consolidation, rationalisation or disposal:	It is recommended that Council investigate options for disposal or alternative use options.
Site Map:	The red area represents Lot 46, DP 12982 (refer to figure 17 below).



Figure 17 Venue Name: Ph Milleu (Goodnight Landing Reserve) Parish Portion, Goodnight Intramaps, 2026

Source:



Figure 18 Site from Pevensey Lane, 2025

Site 8 - Lot 73, DP 1117956, Swan Hill Road, Murray Downs

Address:	Swan Hill Road, Murray Downs
Land Parcel Lot & DP:	Lot 73, DP 1117956
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	35,626 square meters approx.
Current use:	Reserve
Recommendation - consolidation, rationalisation or disposal:	It is recommended that Council investigate options for disposal or alternative use options. It is also recommended that Council retain the location until such time as the strategic use of the land (if any) is determined. If it is determined that the parcels are to be developed for residential or business purposes, then it will be appropriate for Council to dispose of the locations at a suitable time.
Site Map:	The red areas represent Lot 73, DP 1117956 (refer to figure 19 below)



Figure 19 Subject site - Swan Hill Road (Reserve beside) Murray Downs Source: Intramaps, 2026



Figure 20 Site view from Swan Hill Road, 2025



Figure 21 Site view from Swan Hill Road, 2025

Site 9 - Lot 7, DP 776982, 6 Meninya Street Moama

Address:	6 Meninya Street, Moama
Land Parcel Lot & DP:	Lot 7, DP 776982
Owner (Council or the Crown):	Murray River Council
Current Classification:	Community
Reclassify to:	Operational
Size of the parcel:	1475 square meters approx.
Current use:	Former Shire Office & Council Buildings
Recommendation - consolidation, rationalisation or disposal:	It is recommended that Council investigate options for disposal or alternative use options. The classification of the land parcel as community land – Park is not suitable for the location given its development and current function. The land parcel may be better used for business purposes given the existence of the building and its potential to be used as a business premises.
Site Map:	The red areas represent Lot 7, DP 776982 (refer to figure 22 below)



Figure 22 Subject site - 6 Meninya Street, Moama

Source: Intramaps, 2026

3. Explanation of Provisions

3.1. Objectives and Intended Outcomes

The objectives of this Planning Proposal are to amend the MLEP and WLEP to reclassify nine (9) lots (as listed in Section 2) from “community land” to “operational land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993* by amending:

- Schedule 4, Part 1 of the MLEP and WLEP to include four (4) of the nine (9) lots of land, and
- Schedule 4, Part 2 of the MLEP and WLEP to include five (5) of the nine (9) lots of land.

Some of the land parcels that are subject to the proposed reclassification have been identified by Council in the *Murray River Council Needs and Demands Assessment (2023)* (the “Assessment”) (**Attachment F**) as ‘surplus to need’.

The *Needs and Demand Assessment (2023)* has comprehensively reviewed the open space network throughout the shire and identified lots that are suitable for alternate uses, easements or eventual disposal. The Assessment sought community feedback as well as Councillor feedback prior to its endorsement.

Additionally, the planning proposal will be subject to a community hearing following the Gateway Determination exhibition period, as outlined in Practice Note PN-16-001 (also refer to Section 6, and **Attachment G** below).

3.2. Proposed Amendment to Schedule 4, Part 1 of the Murray River LEP and the Wakool LEP

As mentioned in Section 2.1. and Table 2 below, it is proposed to amend Schedule 4, Part 1 of the MLEP and WLEP by updating and inserting the following four (4) items by locality and address. It is noted that the table below comprises all changes sought, with the respective LEP applicable to each parcel shown.

Table 2 – Sites to be included as part of amendment to MLEP/WLEP Schedule 4, Part 1

Locality	Site Number and Lot Details	Title Obtained	Does Council propose to remove or discharge public reserve status or any interests?	Is disposal of the site intended?	Applicable LEP
Moama	Site 1 - Lot 327, DP 1294514, 14 Centennial Street (Maidens Green Drainage Reserve), Moama	Yes	No	No – reclassification solely for use as Drainage Reserve	MLEP Schedule 4, Part 1
Barham	Site 2 - Lot 10, DP 10309193, Rivergums Drive (Rivergum Estate Drainage Reserve), Barham	Yes	No	No – reclassification solely for use as Drainage Reserve	WLEP Schedule 4, Part 1
Moama	Site 3 - Lot 209, DP 1307464, Beer Road (The Range Northern Drainage Reserve), Moama	Yes	No	No – reclassification solely for use as Drainage Reserve	MLEP Schedule 4, Part 1
Moama	Site 4 - Lot 41, DP 1277564, Lignum Road (Botanical Views Drainage Reserve), Moama	Yes	No	No – reclassification solely for use as Drainage Reserve	MLEP Schedule 4, Part 1

The above mentioned four lots are currently used as a drainage reserve and will continue to perform that function after the reclassification. They are not intended for disposal and their public reserve status will remain in place.

In addition, these drainage parcels require operational classification to allow for more flexible maintenance, drainage upgrades, and infrastructure works, which are inhibited under community land constraints. A review of Certificate of Title information confirms none of these four lots contain:

- Trusts,
- Statutory dedications,
- Caveats,
- Easements that would be altered by reclassification.

No change in physical use, environmental value, or public access is proposed.

3.3. Proposed Amendment to Schedule 4, Part 2 of the Murray River LEP and the Wakool LEP

As mentioned in Section 2.2. and Table 3 below, it is proposed to amend Schedule 4, Part 2 of the MLEP and WLEP by updating and inserting five (5) items by locality and address. It is noted that the table below comprises all changes sought, with the respective LEP applicable to each parcel shown.

Table 3 – Sites to be included as part of amendment to MLEP/WLEP Schedule 4, Part 2

Locality	Site Number and Lot Details	Title Obtained	Does Council propose to remove or discharge public reserve status or any interests?	Is disposal of the site intended?	Applicable LEP
Moama	Site 5 - Lot 27, DP 253930, Lawson Drive (Cnr Lawson Drive and Francis Street - East), Moama	Yes	Yes - Council intends to Remove Public Reserve status	Yes - Land is to be disposed	MLEP Schedule 4, Part 2
Tooleybuc	Site 6 - Lot 2, DP 867575, 3 Wakool Street, Tooleybuc	Yes	Yes - Council intends to Remove Public Reserve status	Yes - Land is to be disposed	WLEP Schedule 4, Part 2
Goodnight	Site 7 - Lot 46, DP 12982, Ph Milleu (Goodnight Landing Reserve) Parish Portion, Goodnight	Yes	Yes – Council intends to Remove Public Reserve status	Yes - Land is to be disposed	WLEP Schedule 4, Part 2
Murray Downs	Site 8 - Lot 73, DP 1117956, Swan Hill Road, Murray Downs	Yes	Yes – Council intends to Remove Public Reserve status	Yes - Land is to be disposed	WLEP Schedule 4, Part 2
Moama	Site 9 - Lot 7, DP 776982, 6 Meninya Street Moama	Yes	Yes – Council intends to Remove Public Reserve status	Yes - Land is to be disposed	MLEP Schedule 4, Part 2

These lots were assessed as surplus to open space needs. This proposed reclassification will remove the public reserve status for five lots mentioned in Table 3, enabling the Murray Council to consider disposal following the gateway determination and engagement/public hearing.

In addition, a review of Certificate of Title information confirms that these five lots have:

- No statutory trusts or dedications restricting disposal have been identified.
- No Crown Restrictions apply.
- Council as the sole landowner.

4. Justification

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, identifies the strategic planning context and outlines what the community benefit will be.

4.1. General

Section A - Need for the Planning Proposal

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

Yes, the Planning Proposal has been prepared to demonstrate consistency with the recommendations of the *Murray River Council Needs and Demands Assessment (2023)* (Attachment F), which was endorsed by Council and sought feedback from the community during its development.

The assessment supports the Murray River Council Community Strategic Plan (CSP) and establishes the Open Space Planning Standards for Murray River Council to guide future community infrastructure provision levels for open space locations, size and density relative to the population.

As a result of the assessment, nine (9) lots are identified that need to be reclassified.

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

Yes, as set out in Practice Note PN 16-001 (Classification and reclassification of public land through a local environmental plan) (Attachment G), a planning proposal is the appropriate method to achieving the objectives. The parcels identified have been previously assessed within the *Needs and Demands Assessment (2023)* to be surplus to Council or community needs and more appropriate to serve an alternative function. This also enables the opportunity to dispose of these surplus spaces and reinvest in other community assets and services.

Section B – Relationship to Strategic Planning Framework

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

The outcomes of this planning proposal are not directly related to the strategies set out in the *Riverina Murray Regional Plan 2041* but do relate to local policy and studies carried out by Murray River Council.

Notwithstanding, an assessment of the Planning Proposal against the relevant goals, directions and actions of the Regional Plan is undertaken in Attachment C.

In summary the Planning Proposal is consistent with the Regional Plan and its objectives.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The planning proposal is consistent with the Murray River Council LSPS (2020).

Planning Priority 5 - Recreation and Open Space outlines Council's commitment to *"provide practical, connected and engaging open space that responds to the changing needs of the community in a manner that reflects the character of its setting."*

The subsequent Assessment and this planning proposal give effect to the LSPS.

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

The Murray River Council Needs and Demands Assessment (2023), which was endorsed by Council in 2023, and established a new set of Open Space Planning Standards and also reviewed the suitability and function of existing reserves and community assets.

See Attachment C.

6. Is the planning proposal consistent with applicable SEPPs?

The SEPPs are generally not applicable to this Planning Proposal. Notwithstanding, an assessment of this proposal against each of the SEPPs is provided in Attachment D.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 directions) or key government priority?

The planning proposal is consistent with the Ministerial Directions, in as much as it does not derogate from the objectives of the directions. An assessment of this proposal against each of the directions is provided in Attachment E.

Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No, this proposal only reclassifies community land to operational land, which is an administrative change. The existing conditions of the land will remain unchanged.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

While the planning proposal primarily represents an administrative change, any future disposal of the land by Council would trigger a separate assessment process for any subsequent development proposals. These would be evaluated in accordance with the relevant planning controls and zoning provisions.

Should future development be pursued by external parties, it will be subject to the applicable zoning regulations and land use permissibility.

The proposed reclassification of the land is not expected to result in any significant environmental impacts.

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

This proposal to reclassify community land is an administrative change and will not have any detrimental social or economic effects.

The Planning Proposal has been prepared following the completion of a needs and demand assessment for sport and recreation facilities, which has identified that the subject land parcels are surplus to community needs.

Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

This proposal seeks to reclassify ‘community’ lots to ‘operational’ lots, in accordance with the Assessment. As such, no public infrastructure will be affected or required as a result.

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

A meeting was held between Council and representatives of the NSW Department of Planning, Housing and Infrastructure on 06 March, 2023, who were generally supportive of the planning proposal.

5. Mapping

Mapping is not anticipated to be required for this planning proposal, as the subject sites for reclassification are whole lots only.

If required, any relevant maps will be prepared in accordance with the Department’s *Standard Technical Requirements for Spatial Datasets and Maps* using the same format, symbology, labelling and appropriate map scale.

6. Community Consultation

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 a ‘reclassification’, it expected to be placed on *public exhibition for 28 days as set out in the PN 16-001 (Attachment G)*. *Council will also hold a public hearing, held with at least 21 days’ notice, following the closure of the exhibition period.*

Written notification of the community consultation will be provided in a local newspaper and on Councils’ website. In addition to this, any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

The planning proposal will be notified to the following parties:

- Any agency determined by the Gateway Determination.

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 (including the endorsed *Needs and Demand Assessment for Sports and Recreation Facilities (2023)*)
- 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 will prepare a report to Council.

7. Project Timeline

The project timeline for the Planning Proposal is outlined below.

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 4 Project Timeline (indicative)

Project Milestone	Anticipated Timeframes	Anticipated Dates
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.	18 November 2025
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)	Following Council resolution and request for a Gateway determination, request is made within 3 business days.	02 April 2026
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.	April 2026
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).	April-May 2026

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.	May-June 2026
Submission to NSW DPIE/Parliamentary Counsel Forward Planning Proposal to NSW DPIE/Parliamentary Counsel (if delegated) for finalisation following public exhibition.	4 weeks	June-July 2026
Notification Finalisation/gazettal of Planning Proposal	2-4 Weeks	July-August 2026

8. Conclusion

This Planning Proposal has been prepared by Murray River Council in support of an amendment to the *Murray Local Environmental Plan 2011* (“the MLEP”) and the *Wakool Local Environmental Plan 2013* (“the WLEP”).

Specifically, the Planning Proposal seeks to achieve to utilise the provisions of Clause 5.2 of MLEP 2011 to reclassify nine (9) lots (listed in section 2) from “community land” to “operational land” in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993* by amending:

- Schedule 4, Part 1 of the MLEP and WLEP to include four (4) of the nine (9) lots of land, and
- Schedule 4, Part 2 of the MLEP and WLEP to include five (5) of the nine (9) lots of land.

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 & Environment’s guideline titled *Local Environmental Plan Making Guideline* (August 2023). The Planning Proposal sets out the justification for the proposed amendment and considers the environmental, social and economic impacts of the proposal.

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities 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 strategic planning framework including State, Regional, District and local planning strategies for Murray River Shire.
- The proposal seeks to reclassify land that is surplus to Council’s needs or requirements and enables opportunity to ruse or divest the land and directly enable funding and/or improvements for other community purposes.
- The proposal is consistent with the relevant State Environmental Planning Policies and Section 9.1 Ministerial Directions.
- The proposal is not expected to have any negative economic, environmental or social impacts on the local area.
- The proposal is the result of the endorsed *Murray River Council Needs and Demands Assessment for Sport and Recreation Facilities (2023)*.

Therefore, the proposed amendment to the MLEP and WLEP is appropriate, well-considered and warrants approval subject to the conditions of a Gateway Determination.

Attachment A: Certificates of Title for 9 Lots

Attachment B: LEP 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* (August 2023).

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 4** 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 5 Matters for consideration and response

Matters for Consideration	Response
The current and proposed classification of the land;	Current Classification: community land Proposed Classification: operational land
Whether the land is a 'public reserve' (defined in the LG Act);	Some lots identified in this proposal fall under the definition of 'public reserve'.
The strategic and site-specific merits of the reclassification and evidence to support this;	The proposal is supported by the <i>Murray River Council Needs and Demand Assessment for Sport and Recreation Facilities (2023)</i> , which sets out the strategic merit and framework for assessment for each site.
whether the planning proposal is the result of a strategic study or report;	The proposal is supported by the <i>Murray River Council Needs and Demand Assessment for Sport and Recreation Facilities (2023)</i> , which sets out the strategic merit and framework for assessment for each site.
Whether the planning proposal is consistent with council's community plan or other local strategic plan;	The planning proposal is considered to be consistent with and gives effect to, Council's Community Strategic Plan (CSP).
A summary of council's interests in the land, including:	Refer to Certificates of Title (Attachment A), and Table 2 above for Council's interest in land.
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). If council does not own the land, the land owner's consent; the nature of any trusts, dedications etc;	NA

Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	Some lots are proposed to be disposed, following the requisite community consultation and public hearings. The proposal is supported by the <i>Murray River Council Needs and Demand Assessment for Sport and Recreation Facilities (2023)</i> , which sets out the strategic merit and framework for assessment for each site.
The effect of the reclassification (including, the loss of public open space, any discharge of interests and/or removal of public reserve status	The proposal is supported by the <i>Murray River Council Needs and Demand Assessment for Sport and Recreation Facilities (2023)</i> , which sets out the strategic merit and framework for assessment for each site. The Assessment has sought to maintain a minimum standard of public space, according to population and residential density.
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);	The relevant Certificates of Title are included as Attachment A to the Planning Proposal.
Current use(s) of the land, and whether uses are authorised or unauthorised;	Miscellaneous uses.
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	Not applicable
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);	Not applicable
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	Not applicable
How council may or will benefit financially, and how these funds will be used;	Not applicable
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;	Not applicable
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	Not applicable (whole lots only)
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.

Attachment C: Consistency with Riverina-Murray Regional Plan

Table 6 Consistency with Riverina-Murray Regional Plan 2041

Part, Objective & Actions	Relevance to Planning Proposal	Consistency
Part 1 - Environment		
Objective 1 – Protect, connect and enhance biodiversity throughout the region.	N/A	N/A
Objective 2 – Manage development impacts within riverine environments	N/A	N/A
Objective 3 – Increase natural hazard resilience	N/A	N/A
Part 2 – Community and places		
Objective 4 – Support Aboriginal aspirations through land use planning.	All land is considered culturally significant; however, the land is not identified as having culturally significant artifacts not recognised as having cultural significance.	Consistent
Objective 5 – Ensure housing supply, diversity, affordability and resilience.	N/A	N/A
Objective 6 – Support housing in regional cities and their sub-regions	N/A	N/A
Objective 7 – Provide for appropriate rural residential development.	N/A	N/A
Objective 8 – Provide for short-term accommodation	N/A	N/A
Objective 9 – Plan for resilient places that respect local character	N/A	N/A
Objective 10 – Improve connections between Murray River communities	N/A	N/A
Objective 11 – Plan for integrated and resilient utility infrastructure.	N/A	N/A
Part 3 - Economy		

Objective 12 – Strategically plan for rural industries	N/A	N/A
Objective 13 – Support the transition to net zero by 2050	N/A	N/A
Objective 14 – Protecting and promoting industrial and manufacturing land	N/A	N/A
Objective 15 – Support the economic vitality of CBDs and main streets	N/A	N/A
Objective 16 – Support the visitor economy	N/A	N/A
Objective 17 – Strategically plan for health and education precincts	N/A	N/A
Objective 18 – Integrate transport and land use planning	N/A	N/A

Attachment D: Consistency with State Environmental Planning Policies

Table 7 Consistency with State Environmental Planning Policies

Policy	Relevance to Proposal	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in non-rural areas	Applies to subject sites	Not applicable to a reclassification of land where no tree removal is proposed.
Chapter 3 – Koala habitat protection 2020	Applies to subject sites	Not applicable to a reclassification of land where no tree removal is proposed.
Chapter 4 – Koala habitat protection 2021	Applies to subject sites	Not applicable to a reclassification of land where no tree removal is proposed.
Chapter 5 – River Murray lands	Not applicable.	Not applicable.
Chapter 6 – Water catchments	Not applicable.	Not applicable.
Chapter 13 – Strategic Conservation Planning	Not applicable.	Not applicable.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies to all land in the State.	Not applicable
State Environmental Planning Policy (Housing) 2021		
Chapter 2 – Affordable housing	Applies to all land in the State.	Not applicable.
Chapter 3 – Diverse housing	Applies to all land in the State.	Not applicable.
State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 2 – Western Sydney employment area	Not applicable.	Not applicable.
Chapter 3 – Advertising and signage	Applies to all land in the State.	Not applicable.
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments	Applies to all land in the State.	Not applicable.
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Applies to all land in the State.	Not applicable

Chapter 3 – Aboriginal land	Not applicable	Not applicable
Chapter 4 – Concurrences and consents	Applies to all land in the State.	Not applicable
State Environmental Planning Policy (Precincts – Central River City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable.
Chapter 3 – Sydney region growth centres Chapter 4 – Homebush Bay area Chapter 5 – Kurnell Peninsula Chapter 6 – Urban renewal precincts	Not applicable.	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.
Chapter 3 – Darling Harbour Chapter 4 – City West Chapter 5 – Walsh Bay Chapter 6 – Cooks Cove Chapter 7 – Moore Park Showground	Not applicable.	Not applicable.
State Environmental Planning Policy (Precincts – Regional) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable.
Chapter 3 – Activation precincts Chapter 4 – Kosciuszko National Park and alpine resorts Chapter 5 – Gosford city centre	Not applicable.	Not applicable.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable.
Chapter 3 – Sydney region growth centres Chapter 4 – Western Sydney Aerotropolis Chapter 5 – Penrith Lakes Scheme Chapter 6 – St Mary's Chapter 7 – Western Sydney Parklands	Not applicable.	Not applicable.
State Environmental Planning Policy (Primary Production) 2021		

Chapter 2 – Primary production and rural development	Not applicable.	Not applicable.
Chapter 3 – Central Coast plateau areas	Not applicable.	Not applicable.
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 – Coastal management	Not applicable.	Not applicable.
Chapter 3 – Hazardous and offensive development	Applies to all land in the State.	Not applicable.
Chapter 4 – Remediation of land	Applies to all land in the State.	Not applicable.
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, petroleum production and extractive industries	Applies to all land in the State.	Not applicable.
Chapter 3 – Extractive industries in Sydney area	Not applicable.	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022		
Chapter 2 – Standards for residential development - BASIX	Applies to all land in the State.	Not applicable
Chapter 3 – Standards for non-residential development Chapter 4 - Miscellaneous	Not applicable	Not applicable
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Applies to all land in the State.	Not applicable
Chapter 3 – Educational establishments and child care facilities	Applies to all land in the State.	Not applicable
Chapter 4 – Major infrastructure corridors Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle	Not applicable	Not applicable
Draft State Environmental Planning Policies		
Corridor Protection SEPP	Not applicable	Not applicable

Attachment E: Consistency with Section 9.1 Ministerial Directions

Table 8 Consistency with 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 2041</i> , in as much as it does derogate from those objectives. A full response in relation to this Regional Plan has been provided as Attachment B .
1.2	Development of Aboriginal Land Council Land	Not applicable, as the subject land is not identified on the Land Application Map of <i>State Environmental Planning Policy (Aboriginal Land) 2019</i>	Not applicable.
1.3	Approval and Referral Requirements	Yes, as this Direction applies to all Planning Proposals.	Not applicable.
1.4	Site Specific Provisions	Not applicable, as the Planning Proposal does not seek to create any site specific provisions.	Not applicable.
1. Planning Systems – Place Based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable to the Murray River Local Government Area.	Not applicable.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable 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 to the Murray River Local Government Area.	Not applicable.
1.8	Implementation of Wilton Priority Growth Area Interim	Not applicable to the Murray River Local Government Area.	Not applicable.

	Land Use and Infrastructure Implementation Plan		
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to the Murray River Local Government Area.	Not applicable.
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable to the Murray River Local Government Area.	Not applicable.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable to the Murray River Local Government Area.	Not applicable.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable to the Murray River Local Government Area.	Not applicable.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable to the Murray River Local Government Area.	Not applicable.
1.14	Implementation of Greater Macarthur 2040	Not applicable to the Murray River Local Government Area.	Not applicable.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable to the Murray River Local Government Area.	Not applicable.
1.16	North West Rail Link Corridor Strategy	Not applicable to the Murray River Local Government Area.	Not applicable.
1.17	Implementation of Bays West Place Strategy	Not applicable to the Murray River Local Government Area.	Not applicable.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable to the Murray River Local Government Area.	Not applicable.
1.19	Implementation of the Westmead Place Strategy	Not applicable to the Murray River Local Government Area.	Not applicable.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable to the Murray River Local Government Area.	Not applicable.

1.21	Implementation of South West Growth Area Structure Plan	Not applicable to the Murray River Local Government Area.	Not applicable.
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable to the Murray River Local Government Area.	Not applicable.
2. Design and Place			
Nil			
3. Biodiversity and Conservation			
3.1	Conservation Zones	Yes, as this Direction applies to all Planning Proposals.	Not applicable.
3.2	Heritage Conservation	Yes, as this Direction applies to all Planning Proposals.	Not applicable.
3.3	Sydney Drinking Water Catchment	Not applicable to the Murray River Local Government Area.	Not applicable.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable to the Murray River Local Government Area.	Not applicable.
3.5	Recreation Vehicle Areas	Yes, as this Direction applies to all Planning Proposals.	Not applicable.
3.6	Strategic Conservation Planning	Not applicable	Not applicable.
3.7	Public Bushland	Not applicable to the Murray River Local Government Area.	Not applicable.
3.8	Willandra Lakes Region	Not applicable to the Murray River Local Government Area.	Not applicable.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable to the Murray River Local Government Area.	Not applicable.
3.10	Water Catchment Protection	Not applicable to the Murray River Local Government Area.	Not applicable.
4. Resilience and Hazards			
4.1	Flooding	Not applicable	Not applicable

4.2	Coastal Management	Not applicable	Not applicable
4.3	Planning for Bushfire Protection	Not applicable	Not applicable
4.4	Remediation of Contaminated Land	Not applicable	Not applicable
4.5	Acid Sulphate Soils	Not applicable	Not applicable
4.6	Acid Sulphate Soils	Not applicable	Not applicable
5. Transport and Infrastructure			
5.1	Integrating Land Use and Transport	Not applicable	Not applicable
5.2	Reserving Land for Public Purposes	This direction relates to the provision of land for public purposes	As part of this planning proposal, any changes to public land will seek the approval of the Planning Secretary (or an officer of the Department nominated by the secretary).
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable	Not applicable
5.4	Shooting Ranges	Not applicable	Not applicable
6. Housing			
6.1	Residential Zones	Not applicable	Not applicable
6.2	Caravan Parks & Manufactured Home Estates	Not applicable	Not applicable
7. Industry and Employment			
7.1	Business and Industrial Zones	Not applicable.	Not applicable.
7.2	Reduction in non-hosted short term rental accommodation period	Not applicable.	Not applicable.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Not applicable.
8. Resources and Energy			

8.1	Mining, Petroleum Production and Extractive Industries	Not applicable	Not applicable
9. Primary Production			
9.1	Rural Zones	Not applicable	Not applicable
9.2	Rural Lands	Not applicable	Not applicable
9.3	Oyster Aquaculture	Not applicable	Not applicable
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable	Not applicable

Attachment F: Needs and Demands Assessment for Sport and Recreation Facilities (2023)

Attachment G: LEP Practice Note PN-16-001 (Classification and reclassification of public land through a local environmental plan)