



IRF26/4085

Gateway determination report – PP-2026-709

Reclassification of 9 sites from community to operational land.

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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 A – Planning Proposal
Attachment B – Ordinary Council Meeting – 18 November 2025
Attachment C – Council Report – 18 November 2025
Attachment D – Ordinary Council Meeting – 16 December 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Murray River Council
PPA	Murray River Council
NAME	Reclassification of 9 sites from community to operational Land.
NUMBER	PP-2026-709
LEP TO BE AMENDED	Murray River Local Environmental Plan (LEP) 2011 Wakool Local Environmental Plan (LEP) 2013
ADDRESS AND DESCRIPTION	9 sites across the Murray River Local Government Area (LGA) • Lot 27, DP 253930 • Lot 2, DP 867575 • Lot 46, DP 12982 • Lot 73, DP 1117956 • Lot 7, DP 776982 • Lot 327, DP 1294514 • Lot 41, DP 1277564 • Lot 209, DP 1307464 • Lot 10, DP 1309193
RECEIVED	1/04/2026
FILE NO.	IRF26/4085
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 contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Amend the Murray River LEP 2011 and Wakool LEP 2013 to reclassify nine (9) Council-owned land parcels throughout the Murray River LGA from community to operational land under the *Local Government Act 1993*.

- Enable Council to consider the future use, management or disposal of land consistent with the Murray River Council Needs and Demands Assessment (2023) and other land use priorities.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Murray River LEP 2011 and Wakool LEP 2013 per the changes below:

Table 3 Murray River LEP 2011 current and proposed controls

Control	Locality	Description	Zoning	Current	Proposed	Discharge interests
Classification	Moama	Lot 27, DP 253930	R1 General Residential	community land	operational land	Yes
Classification	Moama	Lot 7, DP 776982	E2 Commercial Centre	community land	operational land	No
Classification	Moama	Lot 327, DP 1294514	R1 General Residential	community land	operational land	No
Classification	Moama	Lot 41, DP 1277564	R1 General Residential	community land	operational land	No
Classification	Moama	Lot 209, DP 1307464	R1 General Residential	community land	operational land	No

Table 4 Wakool LEP 2013 current and proposed controls

Control	Locality	Description	Zoning	Current	Proposed	Discharge interests
Classification	Tooleybuc	Lot 2, DP 867575	RU5 Village	community land	operational land	Yes
Classification	Goodnight	Lot 46, DP 12982	RU1 Primary Production	community land	operational land	Yes
Classification	Murray Downs	Lot 73, DP 1117956	RU1 Primary Production and SP2 Infrastructure	community land	operational land	No
Classification	Barham	Lot 10, DP 1309193	R1 General Residential	community land	operational land	No

The planning proposal identifies five sites as requiring interests to be extinguished. However, only three of these sites currently have interests on title. The tables above identify the three sites where interests will need to be discharged.

The planning proposal should be updated prior to public exhibition to clearly confirm whether interests are to be discharged for the relevant sites. A Gateway condition has been included to address this matter.

The planning proposal does not include any changes to existing zones, permissibility, or development standards. No amendments are required to the LEP maps.

1.4 Site description and surrounding area

The planning proposal applies to nine separate, non-contiguous parcels of land across the Murray River local government area. Each site is described below and shown in Figures 1 to 9. The sites comprise a mix of drainage reserves and underutilised or surplus open space parcels.

1.4.1 Lot 327, DP 1294514 - 14 Centennial Street, Moama

This site is an established drainage reserve located within a residential area zoned R1 General Residential. The land is generally undeveloped and functions as part of the local stormwater management system. It will continue to perform this function following reclassification, with no change to its physical use.



Figure 1 Lot 327, DP 1294514 - 14 Centennial Street, Moama, outlined yellow (Source: ePlanning Spatial Viewer)

1.4.2 Lot 10, DP 1309193 - Rivergums Drive, Barham

The site is a drainage reserve within a residential subdivision zoned R1 General Residential. It comprises open, undeveloped land that supports local drainage infrastructure. The reclassification will facilitate ongoing management of the site for drainage purposes.



Figure 2 Lot 10, DP 1309193 - Rivergums Drive, Barham, outlined yellow (Source: ePlanning Spatial Viewer)

1.4.3 Lot 209, DP 1307464 - Beer Road, Moama

This site is a large drainage reserve located on the edge of a residential area zoned R1 General Residential. It is currently undeveloped and used for stormwater management. The site will be retained for drainage purposes following reclassification.



Figure 3 Lot 209, DP 1307464 - Beer Road, Moama, outlined yellow (Source: ePlanning Spatial Viewer)

1.4.4 Lot 41, DP 1277564 - Lignum Road, Moama

The site forms part of a drainage network within a residential area zoned R1 General Residential and is characterised by open, undeveloped land. It supports stormwater management functions and is not intended for public recreation.



Figure 4 Lot 41, DP 1277564 - Lignum Road, Moama, outlined yellow (Source: ePlanning Spatial Viewer)

1.4.5 Lot 27, DP 253930 - Lawson Drive, Moama

This is a small parcel of public open space located within a residential area zoned R1 General Residential. The site is constrained by its size, limiting its function within the open space network.



Figure 5 Lot 27, DP 253930 - Lawson Drive, Moama, outlined yellow (Source: ePlanning Spatial Viewer)

1.4.6 Lot 2, DP 867575 - 3 Wakool Street, Tooleybuc

The site is zoned RU5 Village and is largely undeveloped. The site has been identified as surplus to open space requirements by Council.



Figure 6 Lot 2, DP 867575 - 3 Wakool Street, Tooleybuc, outlined yellow (Source: ePlanning Spatial Viewer)

1.4.7 Lot 46, DP 12982 - Pevensey Lane, Goodnight

This site comprises a larger parcel of land zoned RU1 Primary Production. It contains bushland and foreshore areas and is generally undeveloped, with limited use for formal recreation. It does contain mapped terrestrial biodiversity under the Wakool LEP 2013.



Figure 7 Lot 46, DP 12982 - Pevensey Lane, Goodnight, outlined yellow (Source: ePlanning Spatial Viewer)

1.4.8 Lot 73, DP 1117956 - Swan Hill Road, Murray Downs

This is a large, undeveloped parcel of land in Murray Downs, zoned RU1 Primary Production and SP2 Infrastructure. The site is currently vacant and not used for active recreation.



Figure 8 Lot 73, DP 1117956 - Swan Hill Road, Murray Downs, outlined yellow (Source: ePlanning Spatial Viewer)

1.4.9 Lot 7, DP 776982 - 6 Meninya Street, Moama

The site contains an existing building within a developed urban area zoned E2 Commercial Centre. It was previously used for administrative purposes and is not used for recreation.



Figure 9 Lot 7, DP 776982 - 6 Meninya Street, Moama, outlined yellow (Source: ePlanning Spatial Viewer)

2 Need for the planning proposal

In 2023, Council endorsed the Needs and Demands Assessment of sports and recreation assets to inform the future provision of public open space and recreational facilities across the local government area. The assessment identified several Council-owned land parcels that are not

required to meet the current or future open space needs of the community or have limited recreational function and recommended that a number of sites be considered for disposal.

On 18 November 2025, Council considered 11 sites for reclassification and resolved to lodge a planning proposal to reclassify 8 of the recommended sites from community to operational land, seek a Gateway determination and progress the statutory steps required to finalise the amendment to the Murray River LEP 2011 and Wakool LEP 2013 (**Attachment B**).

On 16 December 2025, Council subsequently resolved to rescind a previous resolution to exclude Lot 7, DP 776982 (6 Meninya Street, Moama) from the planning proposal and a motion to reclassify the site to operational land was passed (**Attachment D**).

This planning proposal gives effect to these resolutions and, in part, implements the findings of the Needs and Demands Assessment. This includes sites identified in the study, such as Lot 27, DP 253930, Lawson Drive, Moama and Lot 2, DP 867575, 3 Wakool Street, Tooleybuc, which were identified as having low recreational value and suitable for disposal.

There is no alternative mechanism to reclassify land under the Local Government Act 1993. As such, a planning proposal is required to amend the Murray River LEP 2011 and Wakool LEP 2013 to list the land in Part 1 of Schedule 4. Without the proposed amendment, the land would remain classified as community land, limiting Council's ability to manage or dispose of land identified as surplus to its open space needs.

3 Strategic assessment

3.1 Regional Plan

The Riverina Murray Regional Plan 2041 sets the strategic vision for land uses in the Riverina Murray region.

The proposal seeks to reclassify 9 sites from community to operational land which cover a range of zones (R1, E2, RU1, RU5 and SP2) and environmental conditions (terrestrial biodiversity, riparian, wetland and bushfire prone).

The proposed reclassification is consistent with the following objectives:

- Objective 1: Protect, connect and enhance biodiversity throughout the region
- Objective 2: Manage development impacts within riverine environments
- Objective 3: Increase natural hazard resilience
- Objective 5: Ensure housing supply, diversity, affordability and resilience
- Objective 9: Plan for resilient places that respect local character
- Objective 11: Plan for integrated and resilient utility infrastructure
- Objective 15: Support the economic vitality of CBDs and main streets

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 6 Local strategic planning assessment

Local Strategies	Justification
Murray River Local Strategic Planning Statement	The proposed reclassification is consistent with Planning Priority 5 – Recreation and open space, as it ensures open space surplus to community needs or with low recreational value is appropriately rationalised.
Murray River Council Needs and Demands Assessment (2023)	The planning proposal seeks to reclassify two sites to operational land that are recommended for disposal in the report. The proposed reclassification of land not identified in the study includes drainage reserves, which the report considers of limited recreational value and is generally recommended for disposal.

3.3 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons
1.1 Implementation of Regional Plans	Consistent	The proposal is consistent with the relevant regional plan. See Section 3.1 of this report.
3.1 Conservation Zones	Consistent	The proposal seeks to reclassify land that is mapped for environment conservation protection purposes under the Murray LEP 2011 and Wakool LEP 2013. Lot 46 DP12982 contains areas mapped as terrestrial biodiversity under the Wakool LEP. The proposal is consistent with the Direction as it will not reduce the conservation standard that apply to the sites.
4.3 Planning for Bushfire Protection	Consistent	The proposal seeks to reclassify land that is bushfire prone. The proposal does not introduce any development controls or prohibit bushfire hazard reduction within an Asset Protection Zone. Given this, the proposal is consistent with the Direction.
5.2 Reserving Land for Public Purposes	Inconsistent, of minor significance	The planning proposal is inconsistent with this Direction as the reclassification of land from community to operational will reduce existing reservations of land for public purposes and requires the approval of the Planning Secretary. The inconsistency is of minor significance as the proposal demonstrates that the affected sites are not required to meet existing or future public open space needs. This includes land that is currently used for drainage infrastructure, has limited recreational function due to size or is not used for public recreation.

Directions	Consistency	Reasons
6.1 Residential Zones	Consistent	The proposal seeks to reclassify land within a residential zone. The proposal does not alter zoning, land use permissibility or development standards. Given this, the proposal is consistent with the Direction.
7.1 Employment Zones	Consistent	The proposal seeks to reclassify land within an existing Employment zone. The proposal will not constrain employment growth or reduce employment land. Given this, the proposal is consistent with the Direction.
9.1 Rural Zones	Consistent	The proposal seeks to reclassify land in a rural zone. The proposal does not alter zoning or any provisions that would increase permissible density. Given this, the proposal is consistent with the Direction.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The proposal is administrative in nature and involves the reclassification of Council-owned land only. The reclassification does not alter zoning, land use permissibility, environmental protections or development standards. The environmental impacts associated with the proposal are minimal.

4.2 Social and economic

The proposal allows Council to better manage its land without reducing access to important public open space.

The sites identified for possible disposal are generally small, underused, or have limited recreational value and are not needed to meet current or future open space needs. As a result, their reclassification will not impact essential community facilities or open space.

The proposal will not change the character of surrounding areas. No rezoning or physical changes are proposed, and sites will continue to function in line with their current use, including drainage infrastructure.

Reclassification enables Council to manage land more effectively, including retaining land required for infrastructure and managing surplus parcels, which may reduce ongoing maintenance costs.

The proposal will be publicly exhibited and include a public hearing, ensuring the community has an opportunity to provide feedback. Reclassification may also allow for future alternative uses where permitted, noting any future development would require separate approvals.

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.

6 Timeframe

Council proposes a 6 month timeframe 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 9 March 2027 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.

7 Local plan-making authority

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

Given the proposal include extinguishing of interest on some parcels, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed as the proposed reclassification will enable the efficient management of Council-owned land and facilitate the appropriate disposal of surplus land or land with low recreational potential.

There is a discrepancy in the planning proposal relating to discharging of interests for the sites. The planning proposal is to be updated to clearly confirm whether interests are to be discharged for the relevant sites.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions – 5.2 Reserving Land for Public Purposes is minor.

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 clearly confirm whether interests are to be discharged for the relevant sites.
2. The planning proposal should be made available for community consultation for a minimum of 28 working days.
3. A public hearing is required to be held in accordance with Section 29 of the Local Government Act 1993.

Given the nature of the planning proposal, it is recommended that the Gateway not authorise council to be the local plan-making authority and that an LEP completion date of 9 March 2027 be included on the Gateway.



15/6/26

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