

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

AUGUST 2024

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Executive Summary

This Planning Proposal has been prepared by Habitat Planning 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 22 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 this land.

The parcels of land to be reclassified within this Planning Proposal comprise land used as drainage reserves and associated infrastructure. The lots have been identified by Council in the Murray River Council Needs and Demands Assessment (2023) as errors in land classification and are now sought to be corrected by this Planning Proposal.

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.

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.
- The proposal seeks to reclassify a number of land parcels, that are presently used for drainage purposes, from community to operational which reflects a more appropriate land classification.
- 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 and Environment 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 MLEP and WLEP to reclassify 22 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 LEP to include this 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)*.

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.

This report will demonstrate 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 (if required).
- Whether a local contributions plan is to be exhibited at the same time as the planning proposal.
- Whether a public hearing is needed.
- The timeframes within which the various stages of the process for making of the proposed LEP are to be completed.
- Whether the council is to be authorised to make the proposed instrument as the Local Plan Making Authority (LPMA).
- Any other conditions.

1.2. Scope and Format of Planning Proposal

The Planning Proposal details the merits of the proposed changes to MLEP and WLEP 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*. This document is included as an attachment to this report.

Table 1 Attachments to Planning Proposal

No.	Document Name	Prepared by
A	Certificates of Title	Murray River Council and Habitat Planning
B	Consistency with Riverina Murray Regional Plan 2041	Habitat Planning
C	Consistency with State Environmental Planning Policies	Habitat Planning
D	Consistency with Section 9.1 Ministerial Directions	Habitat Planning
E	LEP Information Checklist	Habitat Planning
F	Murray River Council Needs and Demand Assessment for Sport and Recreation Facilities	Murray River Council and CT Management Group, Pty. Ltd
G	Checklist - LEP Practice Note PN-16-001 Classification and reclassification of public land through a local environmental plan	Habitat Planning

2. Site and Context Descriptions



The Planning Proposal relates to 22 individual land parcels. The key characteristics of the sites and a location map are outlined below.

Table 2 | Site Summary

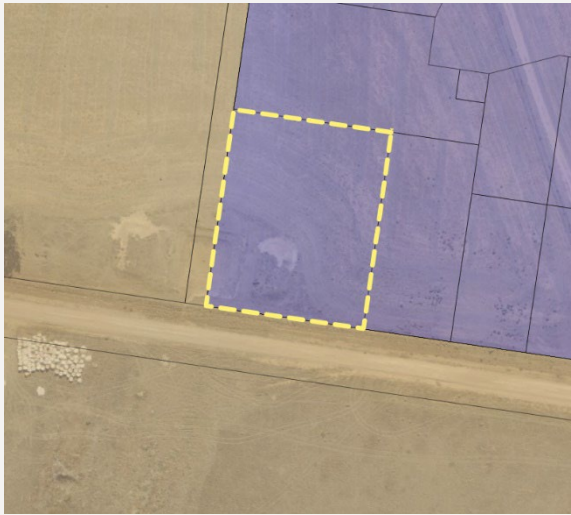

Lot	Description
Lot 126/-/1264832	<p>Facility - Moama Barnes Road - Graham Street Buffer Address – Nicholas Drive, Moama</p> 
Lot 11/-/DP1103416	<p>Facility - Moama Business Park Drainage Basin Address – Graham Street, Moama</p> 



Lot	Description
Lot 16/-/1084308	<p>Facility - Moama Lakeview Park Address - Cabernet Drive, Moama</p> 
Lot 23/-/ 256000	<p>Moama Lea Court Buffer Address – Lea Court, Moama</p> 




Lot	Description
Lot 56/-/1175457	<p>Moama Beer Road Business Park Buffer Address – Martin Drive, Moama</p> 
Lot 91/-/1220526	<p>Moama Perricoota Run Drainage Reserve Address - Cabernet Drive, Moama</p> 

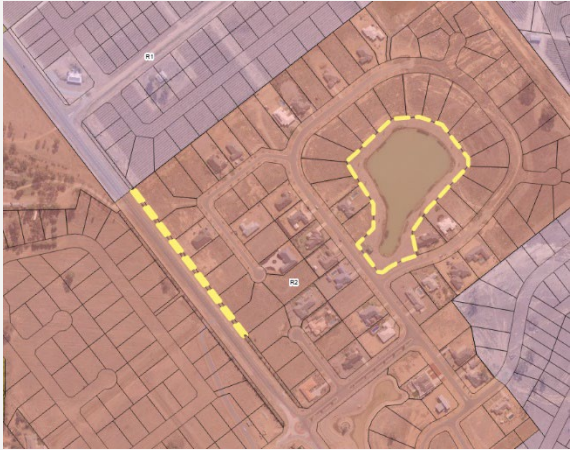
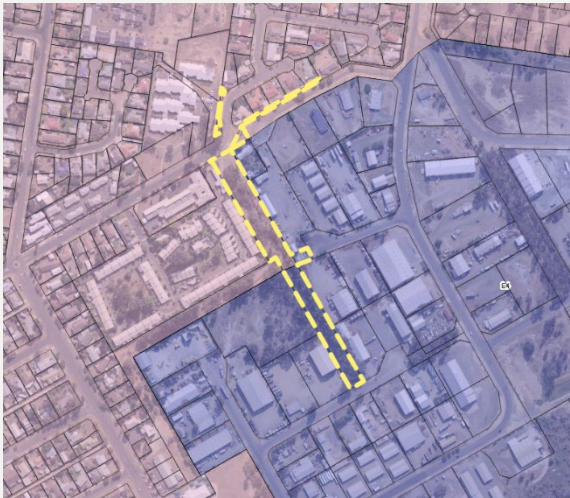

Lot	Description
Lot 33/-/DP1259774	<p>Moama Dungala Estate Address – Brolga Avenue, Moama</p> 
Lot 34/-/DP1259774	<p>Moama Dungala Estate Address - Brolga Avenue, Moama</p> 

Lot	Description
Lot 34/-/1209212	<p data-bbox="419 331 788 394">Moama Barbers Paddock Address – Marion Court, Moama</p>  An aerial photograph showing a residential area with several lots. A specific lot, Lot 34, is highlighted with a yellow dashed border. The lot is irregularly shaped and contains some trees and vegetation. The surrounding area includes other residential lots and a road.
Lot 104/-/1256111	<p data-bbox="419 929 788 992">Moama Barbers Paddock Address – Firefly Court, Moama</p>  An aerial photograph showing a residential area with several lots. A specific lot, Lot 104, is highlighted with a yellow dashed border. The lot is irregularly shaped and contains some trees and vegetation. The surrounding area includes other residential lots and a road.

Lot	Description
Lot 17/-/DP1175457	<p data-bbox="418 331 948 394">Moama Business Park Drainage Basin (South) Address – Lot 17/-/DP1175457</p> 
Lot 95/-/1201662	<p data-bbox="418 958 970 1021">Moama Pump Station No. 27 - Ghost Gum Place Address – Ghost Gum Place, Moama</p> 

Lot	Description
Lot 131/-/1226905	<p>Moama Pump Station No. 30 - Winbi 2 Address – River Gums Drive Drive, Moama</p> 
Lot 2/-/1255836	<p>Moama Perricoota Road Winbi & Merool Drainage Basin Address – Pericoota Road, Moama</p> 

Lot	Description
Lot 171/-/1245186	<p>Moama Marsanne Drive Reserve Address - Marsanne Drive, Moama</p> 
Lot 115/-/1268382	<p>Moama Dungala Drainage Reserve Address - Sandpiper Street, Moama</p> 
Lot 226/-/1261570	<p>Moama Hermitage Drive Reserve Address – Hermitage Drive, Moama</p> 

Lot	Description
Lot 61/-/1082147	<p>Moama Perricoota Road Buffer Address - Cabernet Drive, Moama</p> 
Lot 9/-/841556	<p>Moama Barber Court Buffer Address – Regent Street, Moama</p> 
Lot 121/-/1238057	<p>Moama Marsanne Drive Reserve Address - Marsanne Drive, Moama</p> 

Lot	Description
Lot 194/-/DP1251358	<p>Moama Lakeview Drainage Basin Address - Cabernet Drive, Moama</p>  <p>An aerial photograph showing a residential area with a yellow dashed line outlining a specific drainage basin. The area is surrounded by other residential lots and roads. A small label 'L2' is visible within the outlined area.</p>
Lot 23/-/DP1240379	<p>Barham Vinecombe Lane Reserve Address - Vinecombe Lane, Barham</p>  <p>An aerial photograph showing a large, open area with a yellow dashed line outlining a specific reserve. The area is surrounded by other land parcels and roads. A small label 'R1' is visible within the outlined area.</p>

3. Explanation of Provisions

3.1. Objectives and Intended Outcomes

The objectives of this Planning Proposal are to amend the *Murray Local Environmental Plan 2011* ("the MLEP") and *Wakool Local Environmental Plan 2013* ("the WLEP") to reclassify 22 lots (listed in section 2) from "community land" to "operational land" by amending Schedule 4, Part 1 of MLEP and WLEP to include this land.

These lots have been identified by Council in the *Murray River Council Needs and Demands Assessment (2023)* as 'historical errors'. The purpose of the subject lots is for drainage reserves, rather than servicing any community or social function and the planning proposal is administrative only.

It is confirmed that Council does not intend to sell these parcels of land upon reclassification.

3.2. Amendment to Schedule 4

It is proposed to amend Schedule 4, Part 1 of the LEP by updating and inserting the following items within Columns 1 and 2 in alphabetical order by locality and address as follows:

Table 3 | Amendments to Schedule 4, Part 1

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 17/-/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

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 consistent with the recommendations of the *Murray River Council Needs and Demands Assessment (2023)*, which was endorsed by Council

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

As a result of the assessment, 22 lots were identified as historical errors 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), a planning proposal is the best method to achieving the objectives, being the reclassification of land.

The alternative is that the reserves continue to be incorrectly classified as 'Community Land'.

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*

An assessment of the Planning Proposal against the relevant goals, directions and actions of the Regional Plan is undertaken in **Attachment B**.

In summary the Planning Proposal is consistent with the Regional Plan in as much as it does not derogate from the plan's 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 in as much as it does not derogate from 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. This proposal gives effect to the recommendations of the Assessment.

There are no other applicable State and Regional studies/strategies that are relevant to the proposal.

6. Is the planning proposal consistent with applicable SEPPs?

The planning proposal is consistent with all SEPPs, in as much as it does not derogate from the objectives of the SEPPs.

See **Attachment C** for further details.

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.

See **Attachment D** for further details.

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 seeks to reclassify land from community land to operational land and is an administrative change only. 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?

No, this proposal only seeks to reclassify land from community land to operational land and is an administrative change only. The existing conditions of the land will remain unchanged.

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

The subject Planning Proposal has been prepared following a needs and demand assessment for sport and recreation facilities, which has identified that the subject land parcels are incorrectly classified. Therefore, the proposed reclassification of this land is not expected to have any adverse social or economic effects.

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, for the purpose of drainage reserves. 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 6th 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, 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. 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 in Table 4.

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 Timeframe	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.	Mid April 2024
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)	2 weeks following Council resolution and request for a Gateway determination	May 2024
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.	June 2024 through to July 2024
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).	July 2024
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.	August 2024

Submission to NSW DPIE/Parliamentary Counsel Forward Planning Proposal to NSW DPE/Parliamentary Counsel (if delegated) for finalisation following public exhibition.	4 weeks	September 2024
Notification Finalisation/gazettal of Planning Proposal	2 weeks	October 2024

8. Conclusion

This Planning Proposal has been prepared by Habitat Planning 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 MLEP and WLEP to reclassify 22 lots (listed in section 2) from "community land" to "operational land" by amending Schedule 4, Part 1 of MLEP and WLEP to include this 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 a number of land parcels, that are presently used for drainage purposes, from community to operational which reflects a more appropriate land classification.
- 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.

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

Attachment A: Title Details

Attachment B: Consistency with Riverina-Murray Regional Plan 2041

Table 5 – Consistency with Riverina-Murray Regional Plan 2041

Part, Objective and 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 – Communities and places		
Objective 4 – Support Aboriginal aspirations through land use planning.	Not yet applicable, as the subject land is not known to contain any culturally significant land.	N/A
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

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
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

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
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	

Attachment C: Consistency with State Environmental Planning Policies

Table 6 – Consistency with State Environmental Planning Policies

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in non-rural areas	Applies to 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

Policy	Applicable to Planning Proposal	Consistency
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
Chapter 4 – Design of residential apartment development	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 (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Applies to all land in the State.	Not applicable

Policy	Applicable to Planning Proposal	Consistency
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	Not applicable.	Not applicable.
Chapter 4 – Homebush Bay area	Not applicable.	Not applicable.
Chapter 5 – Kurnell Peninsula	Not applicable.	Not applicable.
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

Policy	Applicable to Planning Proposal	Consistency
Chapter 3 – Darling Harbour	Not applicable.	Not applicable.
Chapter 4 – City West	Not applicable.	Not applicable.
Chapter 5 – Walsh Bay	Not applicable.	Not applicable.
Chapter 6 – Cooks Cove	Not applicable.	Not applicable.
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	Not applicable.	Not applicable.
Chapter 4 – Kosciuszko National Park and alpine resorts	Not applicable.	Not applicable.
Chapter 5 – Gosford city centre	Not applicable.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable
Chapter 3 – Sydney region growth centres	Not applicable.	Not applicable.
Chapter 4 – Western Sydney Aerotropolis	Not applicable.	Not applicable.
Chapter 5 – Penrith Lakes Scheme	Not applicable.	Not applicable.
Chapter 6 – St Mary's	Not applicable.	Not applicable.
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.

Policy	Applicable to Planning Proposal	Consistency
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

Policy	Applicable to Planning Proposal	Consistency
Chapter 3 – Standards for non-residential development	Not applicable.	Not applicable
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	Not applicable.	Not applicable.
Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle	Not applicable.	Not applicable.
Chapter 6 – Moorebank Freight Intermodal	Not applicable.	Not applicable.
Draft State Environmental Planning Policies		

Policy	Applicable to Planning Proposal	Consistency
Corridor Protection SEPP	Not applicable.	Not applicable.

Attachment D: Consistency with Section 9.1 Ministerial Directions

Table 7 – 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.	<p>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.</p> <p>A full response in relation to this Regional Plan has been provided as Attachment B.</p>
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.

No.	Title	Applicable to Planning Proposal	Consistency
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 Land Use and Infrastructure Implementation Plan	Not applicable to the Murray River Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
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.

No.	Title	Applicable to Planning Proposal	Consistency
1.15	Implementation of the Pymont 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.

No.	Title	Applicable to Planning Proposal	Consistency
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.
Design and Place [This Focus Area was blank when the Directions were made]			
Nil			
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

No.	Title	Applicable to Planning Proposal	Consistency
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.

No.	Title	Applicable to Planning Proposal	Consistency
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.
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.

No.	Title	Applicable to Planning Proposal	Consistency
4.6	Mine Subsidence & Unstable Land	Not applicable	Not applicable.
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.
Housing			
6.1	Residential Zones	Not applicable	Not applicable

No.	Title	Applicable to Planning Proposal	Consistency
6.2	Caravan Parks & Manufactured Home Estates	Not applicable	Not applicable
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.
Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable	Not applicable

No.	Title	Applicable to Planning Proposal	Consistency
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 E: 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 8** 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 8 – Matters for Consideration

Matters for Consideration	Response
the current and proposed classification of the land;	Current: community land Proposed: operational land
whether the land is a 'public reserve' (defined in the LG Act);	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;	Each of the 22 sites are drainage reserves and have been incorrectly classified and need to be amended to 'operational'. This planning proposal is administrative only.
whether the planning proposal is the result of a strategic study or report;	The Planning Proposal has been based on the recommendations of a Needs and Demand Assessment for Sport and Recreation Facilities.
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: 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	Council is the owner of all subject sites. Refer to Certificates of Title (Attachment A)

Matters for Consideration	Response
<p>other purpose, or a developer contribution)</p> <p>if council does not own the land, the land owner's consent;</p> <p>the nature of any trusts, dedications etc;</p>	
<p>whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;</p>	<p>Council has no plans to discharge any interest in the land.</p>
<p>the effect of the reclassification (including, the loss of public open space, any discharge of interests and/or removal of public reserve status</p>	<p>There will be no change from existing conditions.</p>
<p>evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);</p>	<p>The relevant Certificates of Title are included as Attachment A to the Planning Proposal.</p>
<p>current use(s) of the land, and whether uses are authorised or unauthorised;</p>	<p>The subject sites are currently used as drainage reserves.</p>
<p>current or proposed lease or agreements applying to the land, together with their duration, terms and controls;</p>	<p>Not applicable.</p>
<p>current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);</p>	<p>Not applicable.</p> <p>The Planning Proposal will not result in the sale of the land following reclassification.</p>
<p>any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);</p>	<p>Not applicable.</p>

Matters for Consideration	Response
how council may or will benefit financially, and how these funds will be used;	<p>Not applicable.</p> <p>The Planning Proposal will not result in the sale of the land following reclassification.</p>
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;	<p>Not applicable.</p>
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	<p>Not applicable as the Planning Proposal relates to whole lots only.</p>
preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	<p>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.</p>

Attachment F: Needs and Demands Assessment for Sport and Recreation Facilities

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

Table 9 – Consistency with Practice Note PN 16-001

Checklist Item	Comment
The current and proposed classification of the land	Refer to Sections 2 and 3 of this Proposal
Whether the land is a 'public reserve' (defined in the LG Act)	Yes. Refer to Section 2 of this Proposal (site descriptions) and to <i>Murray River Council Needs and Demands Assessment (2023)</i>
The strategic and site specific merits of the reclassification and evidence to support this	The merits of the proposal have been outlined in the <i>Murray River Council Needs and Demands Assessment (2023)</i>
Whether the planning proposal is the result of a strategic study or report	The proposal is the result of the <i>Murray River Council Needs and Demands Assessment (2023)</i>
Whether the planning proposal is consistent with council's community plan or other local strategic plan.	Yes, inasmuch as it does not derogate from the aims of Council's strategic plans
<p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"> - 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; 	Yes. Refer to Section 2 and to Attachment A (Title Details)

Checklist Item	Comment
- the nature of any trusts, dedications etc	
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	N/A
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)	Refer to <i>Murray River Council Needs and Demands Assessment (2023)</i>
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)	N/A
Current use(s) of the land, and whether uses are authorised or unauthorised	Refer to <i>Murray River Council Needs and Demands Assessment (2023)</i>
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	Refer to <i>Murray River Council Needs and Demands Assessment (2023)</i>
Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement)	Not at this time

Checklist Item	Comment
and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time)	
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	Not at this time
How council may or will benefit financially, and how these funds will be used	Refer to <i>Murray River Council Needs and Demands Assessment (2023)</i>
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	Refer to <i>Murray River Council Needs and Demands Assessment (2023)</i>
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	There are no part lots to be reclassified
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable	<p>Wide community and stakeholder engagement was undertaken during the <i>Murray River Council Needs and Demands Assessment (2023)</i>.</p> <p>Council has also consulted the Department of Planning, Infrastructure and Planning who has been broadly supportive of the proposal.</p>