



**murray river
council**

PUBLIC HEARING PACK

**Reclassification of land from
Community Land to Operational Land**

**Lot 3 DP 813704
Centre Road, MOAMA**

**Public Hearing: Wednesday 22nd February, 2023 at 5pm
Moama Recreation Reserve - Pavilion
52 Perricoota Road, Moama**

Public Hearing

The information contained in this document relates to the Public Hearing required to be held in association with the proposed reclassification of the subject land from 'community land' to 'operational land', with the subject land being **Lot 3 DP 813704**, Centre Road, MOAMA NSW 2731. The land is zoned RU1 Primary Production under the *Murray Local Environmental Plan 2011* and has an area of 200 hectares. The site has vehicle access from Mathoura Line Road and straddles the Moama/Balranald Railway Line and has previously been used for broad-acre agricultural purposes. The land is unencumbered by any easement or restrictions. The subject land was previously under lease Dealing AN841662 'LEASE TO PETER QUINN RURAL CONTRACTING PTY LTD', however, the lease was terminated on 31 January 2022 by Council resolution, and Council has since had the encumbrance removed from the Title, confirmed on 16 September 2022. There are no active development approvals effecting the site.

There are no current plans in place for the site, however, the current 'community' classification of the land does not align with the original strategic intent to attract agricultural servicing industries to Moama, nor does it provide any community benefit as a traditional public use area. The site locality (Ham Road – Centre Road area) is specially mentioned with Council's Local Strategic Planning Statement as potential area to accommodate a future heavy industry hub. As the land has never been used or intended for a public access/community area, the Planning Proposal will act purely to correct an administrative error associated with the initial transfer of land to Council. The Planning Proposal will facilitate Councils goal to attract agricultural business and support the commercial profile of Moama.

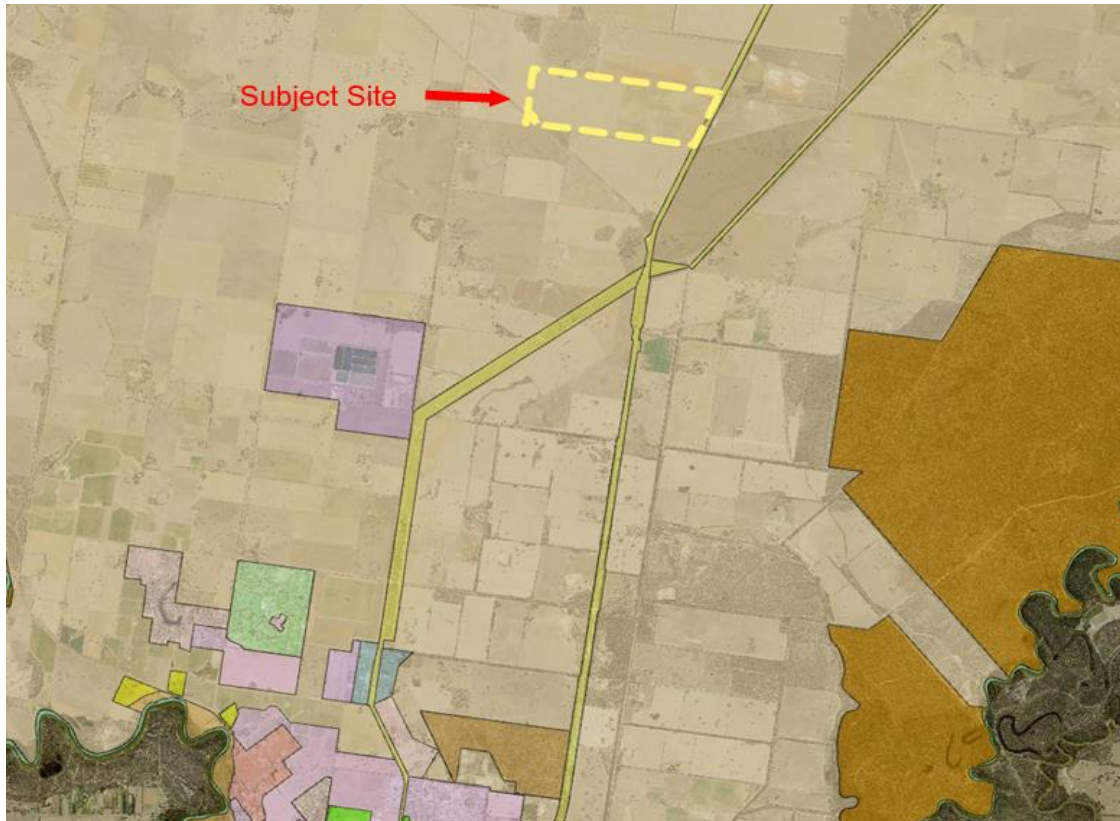


Figure 1 - Existing site subject to reclassification and land use zoning map



Figure 2 - Aerial photography of the site

Background Information

What is a Public Hearing?

A public hearing is a forum held to give our community an opportunity to provide feedback specifically on the proposed reclassification of land. Under the relevant legislation¹ Council must hold a public hearing regarding the proposed reclassification of community land to operational land. This hearing

must also be chaired by an independent facilitator. This gives the community a chance to share their thoughts with a person independent from Council in an open style setting.

What does ‘reclassification of land’ mean?

There are two classifications of public land – “community” and “operational”. Community land is managed by Council and includes areas like parks and sporting fields (among other things)ⁱⁱ. Operational land is public land which facilitates the operations of Council. Community land cannot be sold, exchanged or disposed ofⁱⁱⁱ without following the due process for reclassification to operational land^{iv}.

Why are we holding a public hearing to reclassify this land?

When Council lodges a Planning Proposal with the State Government (Department of Planning and Environment - DPE) for assessment, the ‘Gateway Determination’ issued under that process must determine if a ‘public hearing’ is to be held in relation to that planning proposal^v. Due to the nature of this proposal (the reclassification of community land) a public hearing is a required step in the public consultation process, as set out in the Gateway Determination. A copy of the Gateway Determination is available on Council’s Your Say page. See Item 3 of the Gateway Determination.

When and where will the public hearing be held?

The hearing will be held on **Wednesday, 22nd February 2023, at 5pm**, at the Moama Recreation Reserve – Pavilion, located at 52 Perricoota Road, Moama.

How will the hearing details be advertised?

In accordance with the relevant legal requirements^{vi} the date of the public hearing must be publicly advertised for a minimum of 21 days after the consultation period for the proposal has ended. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised during the consultation period. This planning proposal was advertised from 30th September 2022 until 1st November 2022. The notice of advertisement for the public hearing will be printed in the Friday 20th January 2023 edition of the Riverine Herald. The public hearing notice will also appear on Council’s ‘Your Say’ page, Facebook page, and website from Thursday 2nd February 2023.

Will I need to register to attend?

Council do not require registrations to attend the Hearing.

Who conducts a Public Hearing?

An independent chairperson conducts the public hearing and provides a report to Council with recommendations on the proposed reclassification of community land. Under the relevant legislation^{vii} the person presiding at a public hearing must not be:

- a. A Councillor or employee of the Council holding the public hearing.
- b. A person who has been a Councillor or employee of that Council at any time during the five years before the date of his or her appointment.

Is there an opportunity for me speak at the Hearing?

Yes! The facilitator will seek your thoughts at the hearing and attendees will be encouraged to participate in an open style forum. If you would like opportunity to formally present at the Hearing, that option is also available to you. To present at the Hearing, please register using the tools on our 'Your Say' website page to indicate that you would like to make a presentation at the Hearing. Alternatively, please contact Council on 1300 087 004 during normal business hours, or email admin@murrayriver.nsw.gov.au and advise that you would like the opportunity to address the forum.

What happens after the Public Hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public no later than four days after it has received the final report from the person presiding at the public hearing. This report will be presented to Council for their information when it considers reclassifying community land as part of the process of adopting the Planning Proposal. A copy will also be provided to DPE for their consideration. We note that there will not be a separate consultation period regarding the findings of the hearing.

Recording of the Hearing and the capture of photographs

We may be recording the Hearing to ensure we have captured everyone's comments accurately. This recording will not be made available to the public at any point and is purely for accuracy, and Council's records. We may also be taking photographs throughout the evening; however, you can opt out of being in any photos if you wish.

Questions

For any queries, please all feel free to contact Council on 1300 087 004 and ask to speak with Maddison Gunter regarding the proposal.

ⁱ See Sections 29 and 47G of the *Local Government Act 1993*

ⁱⁱ See Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*

ⁱⁱⁱ See Section 45 of the *Local Government Act 1993*

^{iv} See Sections 27-33 of the *Local Government Act 1993* and Division 3.4 of the *Environmental Planning and Assessment Act 1979*

^v See Section 3.34(e) of the *Environmental Planning and Assessment Act 1979*

^{vi} See Practice Note PN 16-001 included as part of the Planning Proposal documents

^{vii} Section 47G of the *Local Government Act 1993*