



Mr Des Bilske
General Manager
Murray River Council
PO Box 21
MATHOURA NSW 2710

Attention: Llyan Smith, Town Planner

Dear Mr Bilske

Planning proposal (PP_2016_MRIVE_003_02) – Alteration of Gateway Determination and proceed to community consultation – Boundary Road, Moama – Alteration of Gateway determination and proceed to community consultation.

I refer to Council correspondence dated 17 April 2019 and email of 29 April 2019 in relation to satisfying Gateway determination conditions 1, 2 3 and part of condition 4 (except flooding), requesting plan making delegation for PP_2016_MRIVE_003_03 and to proceed with community consultation.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 12 August 2016 for PP_2016_MRIVE_003_03 (since altered). The Alteration of Gateway determination is enclosed.

I also wish to advise that Murray River Council has provided adequate information to satisfy conditions 1, 2, 3 and partly condition 4 of the Gateway determination issued on 12 August 2016 (as amended) and may now proceed to community consultation, as per condition 5 of the Gateway determination.

Given that the email consultation undertaken with the Office of Environment and Heritage is dated 29 March 2017 it is considered that the inconsistency with section 9.1 Direction 4.3 Flood Prone Land is not satisfied at this time and further up to date consultation with the Office of Environment and Heritage is required to be undertaken in conjunction with community consultation. I have amended condition 4 accordingly.

In relation to Council's request to be authorised as the local plan-making authority, I have considered the work that Council has undertaken and have conditions the Alteration of Gateway determination for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised by 19 February 2020, in accordance with the timeframe extension provided in Alteration of Gateway

determination dated 1 February 2019. Council should aim to commence the community consultation as soon as possible. Council's request to draft and finalise the community consultation should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) ten (10) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

All related files for the LEP amendment, including PDF maps, Map Cover Sheet, planning proposal documents and GIS data, if available, must be submitted to the Department via the Planning Portal website at www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data

In accordance with "A guide for the preparation of local environmental plans" the authorised plan-making reporting template is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 3.36 submission when requesting the planning proposal be finalised.

Please ensure a copy of this letter, agency responses and the required studies are included as part of the community consultation package

If you have any questions in relation to this matter, please contact Mr Haydon Murdoch, Planning Officer, from the Department of Planning and Environment, Western Region office, on 6229 7914.

Yours sincerely



3.5.19

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl:
Alteration of Gateway Determination
Authorised plan-making reporting template

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2016_MRIVE_003_03 – Boundary Road, Moama.

I, Director Regions, Western at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 12 August 2016 (since altered) for the proposed amendment to the Murray Local Environmental Plan 2011 as follows:

1. Change the description of the planning proposal

from “to amend the Murray Local Environmental Plan 2011 to rezone land from E3 Environmental Management to R2 Low Density Residential and amend the Minimum Lot Size from 120ha to 1000m², at part Lot 26 DP 751152, part Lot 2 DP 509954 and part Lot 1 DP 509954, Boundary Road, Moama

to

“to amend the Murray Local Environmental Plan 2011 to rezone land from E3 Environmental Management to R2 Low Density Residential and amend the Minimum Lot Size from 120ha to 1000m², at part Lot 52 DP 1220883, Boundary Road, Moama.

2. **Omit** condition 4 and

insert new condition 4

Consultation is required with the Office of Environment and Heritage under section 3.34(2)(d) of the Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. Insert new condition 9:

“condition 9”

The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

- (a) The planning proposal authority has satisfied all the conditions of the Gateway determination;
- (b) The planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
- (c) There are no outstanding written objections from public authorities.

Dated 3rd day of May 2019.



Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
Mr De Bilske
General Manager
Murray River Council
Delegate of Murray River Council, the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department of Planning and Environment

Stage	Date/Details
Planning proposal number	PP_2016_MRIVE_003_03
Date sent to DPE under section 3.34(1)	29 April 2019
Gateway determination date	3 May 2019

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		



Table 3: To be completed by the Department of Planning and Environment

Stage	Date/Details
Notification date and details	

Additional relevant information: