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Our ref: PP_2010_WAKOO_002_00 (10/23010)
Your ref: 110/3286

Mr Chris Chapman
General Manager
The Council of the Shire of Wakool
Private Bag 40
MOULAMEIN NSW 2733

Dear Mr Chapman,

Re: Planning Proposal to rezone land at Yarrein Street, Barham

I am writing in response to your Council's letter dated 5 November 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Wakool Local Environmental Plan 1992 to rezone Lots 14, 15 and 16 DP 1039025 Yarrein Street, Barham from 1(c) Rural Small Holdings to 2(v) Village or Urban to allow greater density residential development.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Director General's delegate has also agreed that the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is not of minor significance and further approval is required in relation to this Direction.

Council will be required to prepare an appropriate flood study for the subject site in accordance with the Floodplain Development Manual 2005 including the preparation of a flood risk management plan. The study, plan and associated mapping are to be prepared within 12 months and all material will be required to be placed on exhibition. Council will also be required to demonstrate how the proposal is consistent with the planning principles contained in the Murray REP No. 2.

To meet the timeframe imposed by the Gateway Determination it is recommended that Council prepare a Project Plan including a project timeline detailing key dates for completion of the work. The Department's Regional Planning Team will be able to assist Council with this task. Council is advised that the Department will monitor the progress of the additional flood study work against this timeline. If Council is not able to demonstrate that it can meet the 12 month timeframe, the Minister, or his delegate, may determine that the planning proposal should not proceed.

The amending Local Environmental Plan is to be finalised within 12 months of the week following the date of the gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) months from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the

Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tessa Parmeter of the Regional Office of the Department on (02) 6841 2180.

Yours sincerely,



for **Tom Gellibrand** 17/12/10
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_WAKOO_002_00): to rezone Lots 14, 15 and 16 DP 1039025 Yarrein Street, Barham from 1(c) Rural Small Holdings to 2(v) Village or Urban to allow greater density residential development.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to Wakool Local Environmental Plan 1992 to rezone Lots 14, 15 and 16 DP 1039025 Yarrein Street, Barham from 1(c) Rural Small Holdings to 2(v) Village or Urban to allow greater density residential development should proceed subject to the following conditions:

1. A flood study consistent with the requirements of the *Floodplain Development Manual 2005* is to be prepared to address flooding issues associated with the site.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - a. the planning proposal must be made publicly available for **28 days**;
 - b. all material including the flood study and all supporting mapping will be made available during the public exhibition period; and
 - c. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water (DECCW)
 - State Emergency Service (SES)
 - Catchment Management Authority – Murray
 - Department of Industry and Investment (Primary Industry)
 - Area Health Services
 - Country Energy
 - Department of Education and Training
 - NSW Health
 - Roads and Traffic Authority
 - NSW Rural Fire Service
 - State Water Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

17th day of

December 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning