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Department Generated Correspondence (Y)

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Our ref: PP_2011_MOREE_001_00 (11/06577)
Your ref: 02-0481,94.0097 & 02-0602

Mr David Aber
General Manager
Moree Plains Shire Council
PO Box 420
MOREE NSW 2400

Dear David Aber,

Re: Planning Proposal to rezone land at Lot 100 DP 1012101, Lot 1 DP209906, Lot 3 DP 817286 and Lots 34 to 42 DP 1104334, Amaroo Drive, Moree from Zone 4 Industrial and Zone 5 Special Uses to Zone 2(a) Residential under the Moree Plains LEP 1995 to facilitate the expansion of the Gwydir Carapark. Alternatively, if the Draft Moree Plains LEP 2011 is published prior to the finalisation of this Planning Proposal, to rezone the subject land R1 General Residential under the Moree Plains LEP 2011

I am writing in response to your Council's letter dated 12 April 2011 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 Moree Plains Local Environmental Plan 1995 to rezone land at Lot 100 DP 1012101, Lot 1 DP209906, Lot 3 DP 817286 and Lots 34 to 42 DP 1104334, Amaroo Drive, Moree from Zone 4 Industrial and Zone 5 Special Uses to Zone 2(a) Residential under the Moree Plains LEP 1995 to facilitate the expansion of the Gwydir Carapark. Alternatively, if the Draft Moree Plains LEP 2011 is published prior to the finalisation of this Planning Proposal, to rezone the subject land R1 General Residential under the Moree Plains LEP 2011.

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

A preliminary site contamination assessment should be undertaken in accordance with State Environmental Planning Policy 55- Remediation of Land. The findings of the preliminary assessment should be included in the material for public exhibition.

Council is to exhibit the planning proposal in two forms:

- as an amendment to the existing Moree Plains LEP 1995; and
- as an amendment to the draft Moree Plains LEP 2010.

In the case of the latter, exhibition material, including mapping is to be provided in a form sufficient to clearly demonstrate the intent of the planning proposal in a manner consistent with the Departments guidelines for the preparation of Standard Instrument LEP maps.

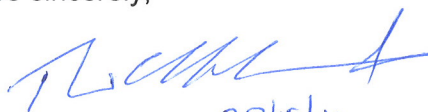
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.2 Caravan Parks and Manufactured Home Estates, are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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) weeks 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 Jon Stone of the Regional Office of the Department on 02 6701 9689.

Yours sincerely,


23/5/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_MOREE_001_00): to rezone land at Lot 100 DP 1012101, Lot 1 DP209906, Lot 3 DP 817286 and Lots 34 to 42 DP 1104334, Amaroo Drive, Moree from Zone 4 Industrial and Zone 5 Special Uses to Zone 2(a) Residential under the Moree Plains LEP 1995 to facilitate the expansion of the Gwydir Carapark. Alternatively, if the Draft Moree Plains LEP 2011 is published prior to the finalisation of this Planning Proposal, to rezone the subject land R1 General Residential under the Moree Plains LEP 2011.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Moree Local Environmental Plan 1995 to rezone land at Lot 100 DP 1012101, Lot 1 DP209906, Lot 3 DP 817286 and Lots 34 to 42 DP 1104334, Amaroo Drive, Moree from Zone 4 Industrial and Zone 5 Special Uses to Zone 2(a) Residential under the Moree Plains LEP 1995 to facilitate the expansion of the Gwydir Carapark. Alternatively, if the Draft Moree Plains LEP 2011 is published prior to the finalisation of this Planning Proposal, to rezone the subject land R1 General Residential under the Moree Plains LEP 2011 should proceed subject to the following conditions:

1. A preliminary site contamination assessment should be undertaken in accordance with, and that satisfy the requirements of, Clause 6 of State Environmental Planning Policy 55-Remediation of Land and the Contaminated Land Planning Guidelines to confirm that the site is suitable for rezoning prior to exhibition. The findings of the preliminary assessment should be included in the material for public exhibition.
2. Council is to exhibit the planning proposal in two forms:
 - as an amendment to the existing Moree Plains LEP 1995; and
 - as an amendment to the draft Moree Plains LEP 2010.In the case of the latter, exhibition material, including mapping is to be provided in a form sufficient to clearly demonstrate the intent of the planning proposal in a manner consistent with the Departments guidelines for the preparation of Standard Instrument LEP maps.
3. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the 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)*.
4. No Consultation is required with State or Commonwealth public authorities under Section 56(2)(d) of the EP&A Act:
5. 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).

6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 23rd day of may 2011.



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