



Contact: Robert Bisley
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Robert.Bisley@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2012_DENIL_001_00 (12/01723-1)

Mr Des Bilske
General Manager
Deniliquin Council
PO Box 270
DENILIKUIN NSW 2710

Dear Mr Bilske,

Planning Proposal to rezone rural land on the Riverina Highway at Deniliquin from 1(a) General Rural Zone to 1(c) Rural Small Holding Zone

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") for a planning proposal to amend the Deniliquin Local Environmental Plan 1997 to rezone rural land on the Riverina Highway at Deniliquin from 1(a) General Rural Zone to 1(c) Rural Small Holding Zone

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.

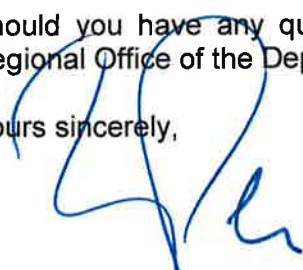
It is noted that Council has recently committed to prepare a Rural Residential Strategy related to the supply of rural residential land across the entire local government area. Council is encouraged to expedite preparation of the strategy and submit the adopted version to the department for endorsement.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 NSW 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 Robert Bisley of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,


Richard Pearson
A/Director-General

25/10/12

Gateway Determination

Planning Proposal (Department Ref: PP_2012_DENIL_001_00): to rezone rural land on the Riverina Highway at Deniliquin from 1(a) General Rural Zone to 1(c) Rural Small Holding Zone.

I, the Acting Director General, Department of Planning and Infrastructure 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 Deniliquin Local Environmental Plan 1997 to rezone rural land on the Riverina Highway at Deniliquin from 1(a) General Rural Zone to 1(c) Rural Small Holding Zone should proceed subject to the following conditions:

1. The planning proposal is inconsistent with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 2.1 Environmental Protection Zones. Council is to address these inconsistencies and demonstrate how it intends to facilitate the protection and conservation of environmentally sensitive land.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. Council is to prepare an initial site contamination investigation to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
3. Council is to address the following specific principles of Clause 10 of the Murray Regional Environmental Plan No. 2 – Riverine Land (MREP), which applies to the planning proposal as the proposed future land use will affect the riverine environment of the River Murray:
 - Bank disturbance,
 - Flooding,
 - Land degradation,
 - River related uses,
 - Settlement, and
 - Wetlands.
4. Following the completion of the work required by conditions 1-3 above and prior to the commencement of public exhibition, Council is to amend the planning proposal where necessary and provide a copy of the revised proposal and associated relevant information to the department's regional team.
5. 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**; 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)*.

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Commonwealth Civil Aviation safety Authority
- Murray Catchment Management Authority
- NSW Department of Primary Industries – Agriculture
- NSW Department of Primary Industries – Minerals and Petroleum
- Office of Environment and Heritage – Flooding; and NSW National Parks and Wildlife Service
- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services

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.

7. Further to Condition 5 above, and prior to the commencement of public exhibition:

- (a) Council is to consult with the Director-General of the Department of Primary Industries as per the requirements of S117 Direction 1.3 Mining, Petroleum and Extractive Industries. Council is to amend the planning proposal, if necessary, to take into consideration any comments made,
- (b) Council is to consult with the Commonwealth Civil Aviation Authority as per the requirements of S117 Direction 3.5 Development Near Licensed Aerodromes. Council is to amend the planning proposal, if necessary, to take into consideration any comments made,
- (c) Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments made,
- (d) Council is to consult the Office of Environment and Heritage as the site is below the 1:100 FPL and parts are also known to be in the high hazard floodway. Council is to demonstrate consistency with the requirements of S117 Direction 4.3 Flood Prone Land given the inconsistencies with the NSW Flood Prone Land Policy and the principles of the Floodplain Development manual, and
- (e) Council is to consult with Roads and Maritime Services in relation road widening identified for land adjoining the Riverina Highway. Council is to amend the planning proposal, if necessary, to take into consideration any comments made and further address the requirements of S117 Direction 6.2 Reserving Land for Public Purposes.



8. 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).
9. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

25

day of

October

2012.

**Richard Pearson
A/Director-General
Delegate of the Minister for Planning and
Infrastructure**