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Our ref: PP\_2012\_MOREE\_001\_00 (12/01760)  
Your ref: 01-0219

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

Dear Mr Aber,

**Re: Planning proposal to rezone part of Lot 1, DP 111137 from SP1 Air Transport Facility to B6 Enterprise Corridor**

I am writing in response to your Council's letter dated 13 January 2012 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 2011 to rezone part of Lot 1, DP 111137 from SP1 Air Transport Facility to B6 Enterprise Corridor.

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.

Council is required to review all mapping proposed to be placed on public exhibition to ensure that the quality and presentation are consistent with the Department's *Standard Technical Requirements for LEP maps*. Council should ensure that all mapping is legible, that the subject site is clearly identified, and that the intent of the planning proposal is clearly shown in all maps.

Council is required 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 required to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included in the public exhibition material for the planning proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones and 2.3 Heritage Conservation, are of minor significance. No further approval is required in relation to these Directions.

As the subject site is located in the vicinity of an existing aerodrome, Council is to consult with the Department of the Commonwealth responsible for the aerodrome and the lessee of the aerodrome in accordance with the provisions of Section 117 Direction 3.5 Development Near Licensed Aerodromes. Council should take any comments made by the relevant agency into consideration in finalising the planning proposal.

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 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,



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

6/2/12

## Gateway Determination

*Planning Proposal (Department Ref: PP\_2012\_MOREE\_001\_00): to rezone part of Lot 1, DP 111137 from SP1 Air Transport Facility to B6 Enterprise Corridor to cater for a mixed use development providing services to the road transport industry, the travelling public and local community.*

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 Plains Local Environmental Plan 2011 to rezone part of Lot 1, DP 111137 from SP1 Air Transport Facility to B6 Enterprise Corridor to cater for a mixed use development providing services to the road transport industry, the travelling public and local community should proceed subject to the following conditions:

1. Council is to review all mapping associated with the planning proposal and update or amend the maps to ensure that they are consistent with the Department's *Standard Technical Requirements for LEP maps* prior to the planning proposal proceeding to public exhibition.
2. Council is to undertake an initial site contamination investigation report in accordance with the requirements of SEPP 55 and the *Contaminated Land Planning Guidelines* to demonstrate that the site is suitable for rezoning. This report is to be included in the public exhibition material for the planning proposal.
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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - NSW Maritime and Roads
  - Commonwealth department responsible for aerodromes

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.

5. Council is to consult with the Department of the Commonwealth responsible for the aerodrome and the lessee of the aerodrome in accordance with the provisions of Section 117 Direction 3.5 Development Near Licensed Aerodromes. Council should take any comments made by the relevant agency into consideration in finalising the planning proposal.



6. 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).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 6<sup>th</sup> day of February 2012.

A handwritten signature in black ink, appearing to read 'Tom Gellibrand', written over a horizontal line.

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