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Our ref: PP_2014_MURRA_001_00 (14/03120)
Your ref: Murray LEP 2011

Mr Greg Murdoch
General Manager
Murray Shire Council
PO Box 21
MATHOURA NSW 2710

Dear Mr Murdoch,

Planning proposal to amend Murray Local Environmental Plan 2011

I am writing in response to your Council's letter dated 10 February 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No. 3) to make various housekeeping amendments including amending the zoning for land at Deep Creek (waterway) and Mathoura; amending the minimum lot size for various sites; permitting and prohibiting various land uses within the land use table; adding and removing heritage items and amending the property description of heritage items; amending various clauses; and amending exempt development provisions.

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

I have also agreed the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

The planning proposal is generally supported however further strategic justification is required to support a reduced setback to which the 'river front area' applies. The matter has been discussed with Council and it was agreed that the issue should be investigated further, meet the intent of the Murray Regional Environmental Plan (REP) No 2 - Riverine Land i.e. to restrict development along the Murray River in order to ensure infrastructure and buildings that may destabilise the bed and banks of waterways are not developed within the river front area.

If Council wishes to proceed with the proposed reduced setback in the 'river front area' a study is required to identify the environmental, economic and social impacts, including its impact on the riverine environment such as the River Red Gum Forest and flood plains, etc. Additionally, further strategic planning justification on the proposal's inconsistency with Murray REP No. 2 - Riverine Land, draft Murray Regional Strategy and S117 Direction 2.1 Environment Protection Zones is to be included. Council has the option of undertaking this work as part of this planning proposal, or alternatively, removing the reduced 'river front area' setback and including it in a future planning proposal, once the above mentioned work has been undertaken.

The proposal to prohibit 'boarding houses' in the R2 Low Density Residential zone is not supported because 'boarding houses' are a mandated use in the R2 zone under the Standard Instrument Local Environmental Plan (LEP). As such, this component of the planning proposal is to be removed.

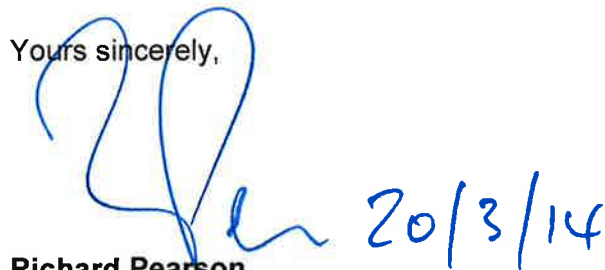
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan because various strategic matters are to be addressed by Council before the planning proposal can proceed to public exhibition.

The amending LEP 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 as soon as possible. Council's request for Planning and Infrastructure to draft and finalise the LEP should be made 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 section 54(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, I have arranged for Mr Ryan Thomas of the Planning and Infrastructure regional office to assist you. Mr Thomas can be contacted on (02) 6841 2180.

Yours sincerely,



Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl: Gateway Determination

Gateway Determination

Planning proposal (Agency Ref: PP_2014_MURRA_001_00): to make various housekeeping amendments to Murray LEP 2011.

I, the Deputy Director General, Growth Planning and Delivery at 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 Murray Local Environmental Plan (LEP) 2011 to make various housekeeping amendments including amending the zoning for land at Deep Creek (waterway) and Mathoura; amending the minimum lot size for various sites; permitting and prohibiting various land uses within the land use table; adding and removing heritage items and amending the property description of heritage items; amending various clauses; and amending exempt development provisions should proceed subject to the variations as outlined in the following conditions:

1. Council is to undertake a study to identify the environmental, economic and social impacts of the proposal, including its impact on the riverine environment such as the River Red Gum Forest and flood plains. Further strategic planning justification on the proposal's inconsistency with Murray Regional Environmental Plan (REP) No. 2 - Riverine Land, the draft Murray Regional Strategy and S117 Direction 2.1 Environment Protection Zones is to be included in the planning proposal.
2. Notwithstanding Condition 1, the planning proposal may proceed without the amendment to reduce the setback to which the 'river front area' applies should Council decide to pursue this component as part of a separate future proposal. Further, Council should consider the need to prohibit recreation facilities (outdoor) in the 'river front area' as part of this amendment and revise the planning proposal accordingly.
3. The proposal to prohibit 'boarding houses' in the R2 Low Density Residential zone is not supported and is to be removed from the planning proposal, prior to it being placed on public exhibition.
4. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Planning and Infrastructure 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Murray Local Land Services
 - Office of Environment and Heritage
 - Department of Primary Industries - Fishing and Aquaculture
 - NSW Rural Fire Service
 - Adjoining LGAs

Each public authority 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.



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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 **12 months** from the week following the date of the Gateway determination.

Dated

20

day of

March

2014.

Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure