



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_WAKOO_004_00 (10/19976)
Your ref: 10/3333

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 rural land adjoining the Murray River at Murray Downs.

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 and amend LEP provisions relating to 19.94ha of rural land adjoining the Murray River at Murray Downs, to enable 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 inconsistencies with S117 Direction 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 3.4 Integrating Land Use and Transport and 6.3 Site Specific Provisions (with respect to river building setback and flood control standards) are of minor significance. No further approval is required in relation to these Directions.

There has been insufficient justification provided in the planning proposal for a minimum lot size of 3ha being applied to integrated housing as part of this proposal. If council believes there is a rationale for this development standard to be applied in this instance, it should canvass that option as part of its exhibition process and provide further justification to the Department. The planning proposal is to proceed however with an exhibited minimum lot size for the subject site of 550m², which is consistent with the minimum lot size adopted elsewhere in Wakool Shire for the 2(v) (Village or Urban Zone). In addition, Council's justification for the proposed variation to the 40m minimum setback from the Murray River established in the Draft Murray Regional Strategy should be included in the exhibition material.

It is recommended that the additional studies relating to the potential impacts of future development of the site on the adjoining Murray Downs Homestead and Outbuildings be undertaken concurrently with the preparation of the draft LEP. However, it is considered that the outcomes of these studies relate more to matters at the Development Application stage and the findings of these studies should be used to influence detailed site design and planning at the subsequent subdivision stage.

During consultation with infrastructure service providers, Council is to identify whether there will be a need to include a clause requiring the provision of designated State public infrastructure or public utility infrastructure in the draft LEP.

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 Nita Lennon of the Regional Office of the Department on 02 6841 2180

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

15/12/10

Gateway Determination

Planning Proposal (Department Ref: PP_2010_WAKOO_004_00): to rezone and amend LEP provisions relating to 19.94ha of rural land adjoining the Murray River at Murray Downs (Lots 1 & 2 DP 1144152, Murray Downs Drive, Murray Downs), to enable 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 the Wakool Local Environmental Plan 1992 to rezone and amend LEP provisions relating to 19.94ha of rural land adjoining the Murray River at Murray Downs (Lots 1 & 2 DP 1144152, Murray Downs Drive, Murray Downs), to enable residential development should proceed subject to the following conditions:

1. The planning proposal is to proceed with an exhibited minimum lot size for the subject site of 550m², which is consistent with the minimum lot size adopted elsewhere in Wakool Shire for the 2(v) (Village or Urban Zone).
2. Information relating to the justification for the proposed variation to the setback from the Murray River (from 40 metres to 30 metres) is to be placed on exhibition.
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 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Ambulance Service of NSW
 - Area Health Services
 - Department of Education and Training
 - Department of Environment, Climate Change and Water
 - Department of Industry and Investment (Agriculture, Fisheries, Minerals)
 - Ministry of Transport
 - NSW Fire Brigades
 - NSW Health
 - NSW Heritage Council
 - NSW Police Service
 - NSW Rural Fire Service
 - NSW Transport and Infrastructure
 - Roads and Traffic Authority
 - Swan Hill Council

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

Dated 15th day of December 2010.



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