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Our ref: PP_2013_MURRA_001_00 (12/16648)

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 Council's request for 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 Clause 7.4(2) 'Development on river front areas' to be a development standard and insert reference to 'Edward River' into relevant clauses and dictionary of Murray Local Environmental Plan (LEP) 2011.

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

The proposal to provide flexibility in respect to development in the river front area is supported. To achieve Council's intended outcomes it is recommended that "Edward River" be inserted at the appropriate locations in clauses 7.4, 7.5 and 7.6 of Murray LEP 2011, and that clause 7.4 (2)(b) be altered to include "new ancillary structures", as well as the extension or alteration of an existing building, as development that may be considered for approval in a river front area.

In view of the above, Council is to ensure the planning proposal clearly articulates Council's intention for the proposed provision to permit development closer to the river front (i.e. past the river set back) but that is no closer to the river front than an existing structure, subject to a number of conditions. Council is encouraged to outline these conditions.

The amending 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 as soon as possible. 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 Ashley Albury of the regional office of the department on 02 6841 2180.

Yours sincerely,


Neil McGaffin
Executive Director
Rural and Regional Planning

Gateway Determination

Planning proposal (Department Ref: PP_2013_MURRA_001_00): to amend Clause 7.4(2)(b) 'Development on river front areas' and insert reference to 'Edward River' into Murray LEP 2011.

I, the Executive Director, Rural and Regional Planning at the 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 Clause 7.4(2) 'Development on river front areas' to be a development standard and insert reference to 'Edward River' into relevant clauses and dictionary of the Murray Local Environmental Plan (LEP) 2011 should proceed subject to the following conditions:

1. The planning proposal is to be updated to address the proposal's consistency or justify any inconsistency with the draft Murray Regional Strategy and S117 Direction 2.1 Environment Protection Zones, as it proposes to alter the environmental protection standards that currently apply to river front areas. Council should ensure all relevant S117 Directions have been considered within Part 3 'Justification' of the planning proposal.
2. Council is to include a project timeline with the planning proposal, consistent with Section 2.6 Part 6 of *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
3. 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:
 - Office of Environment and Heritage
 - Roads and Maritime Services
 - Murray Catchment Management Authority
 - NSW Department of Primary Industries – Fishing and Aquaculture
 - NSW Office of Water
 - NSW Rural Fire Services (S117 Direction 4.4 Planning For Bushfire Protection)
 - 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.

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* (Department of Planning and Infrastructure 2012).

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 2nd day of April 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**