

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

Our ref: 13/20194

Attention: Murray Amos

Dear Mr Aber

Planning Proposal PP_2013_MOREE_002_00 – Various Corrections and Refinements to Moree Plains LEP 2011 – Revised Gateway Determination

I am writing in response to your request for a revised Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend Moree Plains LEP 2011 to undertake various corrections and refinements including amendments to various clauses and land use tables, the inclusion of an additional local clause and changes to the land zoning and lot size maps.

The amended planning proposal dated December 2013 includes the rezoning and change to the minimum lot size of part of Lot 11 DP 848790, Blueberry Rd, South Moree, from Zone B6 Enterprise Corridor to Zone R2 Low Density Residential with a 800m² minimum lot size. As a delegate of the Minister for Planning and Infrastructure, I have now determined the amended planning proposal should proceed subject to the conditions in the attached revised Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones and 4.3 Flood Prone Land are of minor significance.

I note that Council has not formally accepted plan making delegation. Council is encouraged to formally accept plan making delegation, nominate officers or employees of Council who will be granted the proposed delegation and advise the department that delegations have been accepted to enable locally significant proposals to be delegated back to Council.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the revised 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 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.

If you have any questions in relation to this matter, please contact Jon Stone of the department's Northern Region office on (02) 6701 9688.

Yours sincerely

 19 December 2013
Steve Murray
General Manager, Northern Region
Growth Planning & Delivery

Gateway Determination (Revised)

Planning proposal dated December 2013 (Department Ref: PP_2013_MOREE_002_00): to undertake various corrections and refinements to Moree Plains LEP 2011 including amendments to various local clauses and land use tables, the inclusion of an additional local clause and changes to the land zoning and lot size maps.

I, the General Manager, Northern Region 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 the Moree Plains Local Environmental Plan 2011 to undertake various corrections and refinements including amendments to various local clauses and land use tables, the inclusion of an additional local clause and changes to the land zoning and lot size maps should proceed subject to the following conditions:

1. 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 & Infrastructure 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
2. 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:
 - NSW Office of Environment and Heritage – Floodplain Unit
 - NSW Rural Fire Service
 - Department of the Commonwealth responsible for aerodromes

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. If necessary, the planning proposal is to be updated to take into consideration comments made by the public authorities prior to exhibition.
3. Prior to undertaking public exhibition, Council is to:
 - a. update the project time line within the planning proposal to include a consultation time frame with public authorities in accordance with Section 2.6 Part 6 of the *Guide to Preparing Planning Proposals*; and
 - b. amend the 'explanation of provisions' within the planning proposal to more clearly identify the proposed 800m² minimum lot size for part of Lot 11 DP 848790 and include suitable mapping.
4. 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).

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

Dated *19th* day of *December* 2013.


Stephen Murray
General Manager, Northern Region
Growth Planning & Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure