



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

13/15249

Attention: Murray Amos

Dear Mr Aber

Planning proposal to amend Moree Plains Local Environmental Plan 2011

I am writing in response to Council's letter dated 2 September 2013 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 make 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.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

I note that Council has not formally accepted plan making delegation. Council is strongly encouraged to formally accept plan making delegation, nominate the 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 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 attached Gateway determination requires the planning proposal be amended to remove the proposed draft clauses and LEP drafting amendments and instead provide a plain English explanation of the intended provisions. The proposed provision relating to detached dual occupancies in Zone RU1 primary Production is also to be amended to be a heads of consideration matter. The department's regional office can assist Council in this process if needed. The clauses will be drafted by Parliamentary Counsel's Office post exhibition, in consultation with Council, once the proposal is submitted to Parliamentary Counsel for drafting.

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, please contact Craig Diss of the regional office of the department on 02 6701 9685.

Yours sincerely

 13 September 2013
Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure

Gateway Determination

Planning proposal (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 Regional Director, 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 (LEP) 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. Prior to undertaking public exhibition, Council is to:
 - (a) amend the 'explanation of provisions' within the planning proposal to remove the proposed clauses and LEP drafting amendments and instead provide a plain English explanation of the intended provisions;
 - (b) amend the 'objectives or intended outcomes' and 'explanation of provisions' within the planning proposal in relation to the proposed local clause for detached dual occupancies in Zone RU1 to be a heads of consideration matter; and
 - (c) update the planning proposal to include maps clearly identifying the proposed map changes in relation to Item 4 – Mapping Anomaly and Item 7 – Lot Size Change at Ashley.
2. 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)*.
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:
 - NSW Rural Fire Service
 - NSW Office of Environment and Heritage – Floodplain Unit

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.

4. Prior to undertaking public exhibition, Council is to 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*.
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 13th day of September 2013.



Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure