

Planning Services

Plan Finalisation Report

Local Government Area: Murray River Council

1. NAME OF DRAFT LEP

Murray Local Environmental Plan 2011 Amendment No. 7 (draft LEP).

2. SITE DESCRIPTION

The planning proposal applies to land at Lot 11 DP 285511, 312 Perricoota Road, Moama. The lot is 7.5 hectares, is irregular in shape and fronts Perricoota Road. The site is currently zone RU1 Primary Production with a minimum lot size of 120ha and is located to the west of an existing residential area. The site has been identified for residential development in the Moama Land Use Strategic Plan (not endorsed by DPE).

3. PURPOSE OF PLAN

The draft LEP under clause 3.36 making of local environmental plans of the EP&A Act seeks to rezone Lot 11 DP 285511, 312 Perricoota Road, Moama from RU1 Primary Production to R1 General Residential with a minimum lot size of 750m².

STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Murray State Electorate. Austin Evans MP is the State Member for Murray.

The site falls within the Farrer Federal Electorate. Susan Ley MP is the Federal Member for Farrer.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no known meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no known donations or gifts to disclose and a political donation disclosure is not required.

4. GATEWAY DETERMINATION

A Gateway determination was issued by the Department of Planning and Environment on 3 August 2016, allowing 12 months to complete the Amendment. The determination was subsequently altered on 10 August 2017 and 6 February 2018 allowing further time to finalise the Proposal by 10 February 2019.

All conditions of the Gateway determination have been complied with.

5. ADVICE FROM PUBLIC AUTHORITIES

Agency consultation was required in accordance the Gateway determination. Council's summery is provided below.

Agency	Response
NSW DPE	Gateway Determination received dated 3/8/2016. Response received dated 19/10/2016 permitting Council to proceed to Community Consultation. Extension of time granted 18/8/2017.
NSW Rural Fire Service	No objections. Comments received.
NSW DPI Agriculture	No issues raised. General comments received.
NSW OEH	Response dated 9/9/2016 received requesting additional information from the applicant. After Applicant had provided requested additional information, final response received 24/10/2017 outlining OEH are satisfied with the planning proposal as a result of additional information provided by the applicant.

As a result the agency responses are considered to have been addressed.

There were no public submissions received.

6. POST-EXHIBITION CHANGES

The proposal was publicly exhibited 18 November 2016 – 19 December 2016, no submissions were received, and no changes made to the planning proposal.

7. CONSISTENCY WITH S.9.1 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

An assessment of relevant section 9.1 Directions and other relevant strategic planning documents is provided in the attached planning proposal.

8. MAPPING

Please find relevant Map Cover Sheet attached. The maps have nee checked by DPE GIS team and are suitable to be made.

9. PARLIAMENTARY COUNSEL OPINION

On 10 May 2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment B**.

10. RECOMMENDATION

It is recommended that the Minister's delegate – Director Regions, Western, as the local plan-making authority determine to make the draft LEP under clause 3.36 of the Act because:

- The proposed LEP amendment (Amendment No. 7) complies with section 3.36 in that the amendment is consistent with the conditions pertained in the Gateway determination, and

- The planning proposal remains consistent with the relevant section 9.1 Direction and strategic planning documents.
- There are no agency objections and no community submissions.



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26.10.18

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