

25 January 2018

Mr. Wayne Garnsey  
Team Leader  
Western Region  
NSW Department of Planning and Environment  
PO BOX 58  
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Email: [westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)

Dear Sir

RE: PP\_2016\_MRIVE\_002\_00 Request for extension of time

Reference is made to the above. Gateway Determination PP\_2016\_MRIVE\_002\_00 was issued by NSW DPE on 3 August 2016 relating to the proposed rezoning of Lot 11 DP 285511, 312 Perricoota Road, Moama from RU1 Primary Production to R1 General Residential, and reduction of minimum lot size provisions from 120 hectares to 750m<sup>2</sup>.

The Gateway Determination outlined numerous Conditions that Council is required to address, including Condition 7 which states the following:

*6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination [being 3 August 2017].*

A request for extension of time was submitted on 26 July 2017 to NSW DPE due to the time taken by the applicant to provide required information. An extension of time was granted by NSW DPE on 10 August 2017, extending the completion date to 10 February 2018.

The following actions have been completed as part of the Planning Proposal process in accordance with the Gateway Determination.

- Planning Proposal was placed on community consultation on Friday 18 November 2016 until Monday 19 December 2016.
- The Planning Proposal was placed in the Riverine Herald newspaper on Friday 18 November 2016 and in the Pastoral Times newspaper on Friday 18 November 2016.
- The Planning Proposal was notified to NSW OEH, NSW DPI Agriculture and NSW RFS on Monday 22 August 2016.

NSW OEH responded to notification on 9 September 2016. This response outlined the requirement for the applicant to provide additional information. Additional information was received from the Applicant to address OEH requirements on 13 June 2017. A final response from NSW OEH was subsequently received on 24 October 2017.

Council resolved at its Meeting held Tuesday 16 January 20128 to complete the following (Minutes not yet released):

- i. Council proceed with the Planning Proposal and send the Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) requesting Parliamentary Counsel's opinion and drafting of a new Murray Local Environmental Plan 2011 (Murray LEP 2011), in accordance with Planning Proposal PP\_2016\_MRIV\_002\_00;*
- ii. As Council does not have delegation to make the new Murray LEP 2011, once PCO Opinion is received, Council request the Minister make the new Murray LEP 2011 in accordance with Section 59 of the Environmental Planning and Assessment Act 1979;*
- iii. Council forward the new Murray LEP 2011 to NSW Department of Planning and Environment (DPE) for gazettal and online notification on the NSW Legislation Website.*

Once the relevant Council Meeting Minutes are released, Council staff will complete the actions outlined in the resolution.

As a result of the above, and due to Council staff currently experiencing a significant workload due to a number of factors, including but not limited to; the amalgamation process, requirement to update Strategic Documents, large number of Development Application's received, and Council's Planning Support Officer currently being on Maternity leave with no replacement yet announced, Council formally requests a 12 month extension of time to complete the subject planning proposal. This would result in the amendment of Condition 7 of the Gateway Determination (subsequently referred to as Condition 8 in NSW DPE correspondence dated 10 August 2017) and allowing Council to complete the LEP by 10 February 2019.

Should you require further information, please contact Chris O'Brien, Town Planner on [cobrien@murrayriver.nsw.gov.au](mailto:cobrien@murrayriver.nsw.gov.au) or 1300 087 004.

Yours sincerely



Chris O'Brien  
Town Planner