



Ms Margot Stork
Interim General Manager
Murray Shire Council
PO Box 21
Mathoura NSW 2710

16/09472

Attention: Ms Llyan Smith, Planning Support Officer

Dear Ms Stork,

Planning Proposal (PP_2016_MRIVE_002_00) to rezone land from zone RU1 Primary Production to zone R1 General Residential and reduce Minimum Lot Size from 120ha to 750m2 at Lot 11 DP 285511, 312 Perricoota Road, Moama

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to zone R1 General Residential and reduce Minimum Lot Size from 120ha to 750m2 at Lot 11 DP 285511, 312 Perricoota Road, Moama.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed, subject to conditions in the attached Gateway determination (Attachment 1).

I have made this decision based on the strategic merit of the proposal having regard to Council's Murray Shire Strategic Land Use Plan 2010 - 2030 and the draft Moama North West Master Plan dated January 2009. It is acknowledged that this work has not been endorsed by the Department. Council is advised to review its land use strategies and seek the endorsement of the Department. The Department is available to discuss the process to undertake this work.

Prior to community consultation being undertaken Council is to consult with the NSW Rural Fire Service and obtain agreement of the Department's Secretary (delegate) to comply with requirements of section 117 Direction 4.4 Planning for Bushfire Protection (refer to Condition No. 1 of the Gateway determination).

Please also refer to Condition No. 2 of the Gateway determination in relation to State Environmental Planning Policy No. 55 – Remediation of Land.

The proposal at this time, is inconsistent with section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands and State Environment Planning Policy (Rural Lands) 2008. Consultation with the Department of Primary Industries – Agriculture is required and this issue is to be addressed by Council prior to the plan being finalised (refer to Condition No. 4 of the Gateway determination).

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan in this case.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of 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 of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. This request is to be forwarded to the Department of Planning and Environment's Western Region office (westernregion@planning.nsw.gov.au).

All related files for the LEP Amendment, including Maps, Map Cover Sheet, Planning Proposal document, section 59 Reporting and GIS data, if available, must be submitted to the Department via the Planning Portal Website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

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 *Environmental Planning and Assessment Act, 1979* if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Department's Western Region office to assist you. Ms McNabb can be contacted on (02) 68412180.

Yours sincerely



3 August 2016

Ashley Albury
Director Regions, Western
Planning Services

Encl:
Attachment 1 – Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_MRIVE_002_00): to amend the Murray Local Environmental Plan 2013 to rezone land from zone RU1 Primary Production to zone R1 General Residential and reduce Minimum Lot Size from 120ha to 750m² at Lot 11 DP 285511, 312 Perricoota Road, Moama.

I, the Director Regions, Western at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that the amendment to the Murray Local Environmental Plan 2013 (LEP) to rezone land from zone RU1 Primary Production to zone R1 General Residential and reduce Minimum Lot Size from 120ha to 750m² at Lot 11 DP 285511, 312 Perricoota Road, Moama should proceed subject to the following conditions:

1. Prior to community consultation being undertaken consultation is required with the NSW Rural Fire Service under section 56(2) of the *Environmental Planning and Assessment Act 1979* to comply with the requirement of section 117 direction 4.4 Planning for Bushfire Protection. Council is to forward the NSW Rural Fire Service response to the Department and seek approval to proceed to community consultation.
2. Prior to community consultation Council is to ensure that the planning proposal satisfies the requirements of *State Environmental Planning Policy (SEPP) 55 – Remediation of Land*. An initial site contamination investigation report is to be prepared to demonstrate that the land is suitable for rezoning to the proposed R5 zone. The preliminary review of the subject land by Council and initial site contamination investigation report are to be forwarded to the Department seeking approval so that such reports can be placed on public exhibition with the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act, 1979* as follows:
 - (a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - (b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.
4. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979* and/or to comply with the requirements of relevant section 117 Directions:
 - Office of Environment and Heritage

- Department of Primary Industries - Agriculture

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.

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 *Environmental Planning and Assessment Act, 1979*. 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 LEP maps shall be prepared in accordance with the requirements of the Department's "Standard Technical Requirements for Spatial Datasets and Maps" (2015).
7. The timeframe for completing the LEP is to be 12 months from the week following the date of Gateway determination.

Dated 3rd day of August 2016.



Ashley Albury
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning