



Mr Des Bilske
General Manager
Murray River Council
PO Box 21
MATHOURA NSW 2710

Attention: Mr Glenn Bulmer, Manager Planning and Building

Dear Mr Bilske

Planning proposal (PP_2017_MRIVE_002_00) to amend Murray Local Environmental Plan 2011- "Kooyong Park", Moama.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land known as "Kooyong Park, Moama from RU1 Primary Production and E3 Environmental Management to R2 Low Density Residential, remove the minimum lot size provisions, insert a new listing into Schedule 1 Additional Permitted Uses for a restaurant and function centre and insert a site-specific clause for the site.

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

I have agreed to proceed with this proposal subject to strategic planning work being undertaken to review the Moama Flood Study as identified in the Gateway determination.

It is also noted that Council is undertaking the Murray River Comprehensive Land Use Strategy project and this site should be considered in that strategic context.

Council still needs to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of relevant section 9.1 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum and Extractive Industries, 1.5 Rural Lands 4.3 Flood Prone Land and 5.10 Implementation of Regional Plans and State Environmental Planning Policy (Rural Lands) 2008. Council is to ensure this occurs prior to community consultation. Consultation with agencies will assist Council in this regard.

I have determined not to condition the Gateway for Council to be the local plan-making authority due to the strategic planning work that is required and the inconsistencies with section 9.1 Directions. The Department will review this decision after conditions 1, 2 and 3 of the Gateway determination has been completed.

The amending local environmental plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council's request for the Department to draft and finalise the LEP should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) ten (10) weeks prior to the projected publication date.

All related files for the LEP Amendment, including PDF Maps, Map Cover Sheet, planning proposal document 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further questions in relation to this matter, please contact Mr Damien Pfeiffer, Director Regions, Western, at the Department of Planning and Environment on 5852 6800.

Yours sincerely



15.10.18

Damien Pfeiffer
Director Regions, Western
Planning Services

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2017_MRIVE_002_00): to amend the Murray Local Environmental Plan 2011 for residential development at "Kooyong Park", Moama

I, the Director Regions, Western, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the Murray Local Environmental Plan (LEP) 2011 for development at "Kooyong Park", Moama should proceed subject to the following conditions:

- (a) Prior to undertaking community consultation of the planning proposal, Murray River Council is to demonstrate that the "Kooyong Park" proposal is included as part of the review of the Moama Flood Study work and consistent with the NSW Flood Prone Land Policy and Flood Plain Development Manual 2005.

Murray River Council is to submit to the Department of Planning and Environment the review of the Moama Flood Study for approval and demonstrate consistency with section 9.1 Direction 4.3 Flood Prone Land prior to undertaking community consultation.

- (b) Prior to undertaking community consultation Murray River Council is to demonstrate consistency with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Land, 2.1 Environment Protection Zones, 5.10 Implementation of Regional Plans and 6.3 Site Specific Provisions (including justification for the proposed schedule 1 – Additional permitted uses), State Environmental Planning Policy (Rural Lands) 2008 and Murray Regional Environmental Plan No 2 – Riverine Land.

Murray River Council is to submit all information and seek the approval of the Department of Planning and Environment to demonstrate consistency.

Consultation may be required with government agencies to assist Council with demonstrating consistency.

- (c) Prior to undertaking community consultation is required with the Department of Planning and Environment – Resources and Energy under section 3.34(2)(d) of the *Environmental Planning and Assessment Act, 1979* to address the inconsistency with section 9.1 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

The Department of Planning and Environment – Resources and Energy is to be provided with a copy of the planning proposal and any supporting material and given at least 40 days to comment on the proposal.

The result of the consultation is to be provided to the Department of Planning and Environment seeking approval to undertake community consultation.

- (d) Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act 1979* as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the planning proposal 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 & Environment August 2016).

- (e) Consultation is required with the following public authorities under section 3.34(2)(d) of the *Environmental Planning and Assessment Act, 1979*:

- Department of Primary Industry – Agriculture
- Office of Environment Heritage

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.

- (f) Prior to submission of the planning proposal under section 3.36 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
- (g) A public hearing is not required to be held into the matter by any person or body under section 3.34(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).



Planning & Environment

- (h) The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Dated 15th day of October 2018.

Damien Pfeiffer
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

