

15/10878

Mr Paul O'Brien
Deputy General Manager
Wakool Shire Council
Private Bag 40
Moulamein NSW 2733

Dear Mr O'Brien

Planning Proposal (PP_2015_WAKOO_002_00) to amend Wakool Local Environmental Plan 2013 – rezone land at Lot 1 DP 1134973 Swan Hill Road to zone RE2 Private Recreation.

I am writing in response to Council's letter dated 30 June 2015 requesting a Gateway determination under section 56(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act) with respect to the planning proposal to amend the Wakool Local Environmental Plan 2013 to rezone land at Lot 1 DP 1134973 to zone RE2 Private Recreation.

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

I am satisfied that the planning proposal's inconsistencies with section 117 Directions - 1.2 Rural Zones and 1.5 Rural Areas are of minor significance. No further approval is required in relation to these Directions.

Council is to obtain the agreement of the Secretary to comply with the requirements of section 117 Directions – 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs after consultation with the Office of Environment and Heritage and NSW Rural Fire Service and addressed in the section 59 submission.

It is noted that in this locality there are other tourist developments. Council should strategically consider the tourism land uses in this area and may wish to consider rezoning such land to an appropriate zone to reflect its use. The Department is available to discuss options should Council decide to proceed with possible land use changes in this locality.

The Minister delegated his plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan **(Attachment 2)**.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

The amended LEP maps and GIS data is to be uploaded to the Departments FTP site at ftp://lepup:lep_upload@203.3.194.247/ and the map information emailed to: pocgis@planning.nsw.gov.au and a copy to westernregion@planning.nsw.gov.au

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.

In accordance with "A guide for the preparation of local environmental plans", Attachment 5 – Delegated plan making reporting template (**Attachment 3**) is enclosed for Council's information. Table 2 of the attachment is to be completed and forwarded to westernregion@planning.nsw.gov.au when requesting the planning proposal to be notified.

Should you have any enquiries in regard to this matter, I have arranged for Wayne Garnsey, Team Leader to assist you. Mr Garnsey can be contacted on (02) 6841 2180.

Yours sincerely,

 7-8-2015

Ashley Albury
General Manager, Western Region
Planning Services

CC - Brian Mitsch & Associates Pty Ltd.

Enclosures: Attachment 1 – Gateway Determination
Attachment 2 – Written Authorisation to Exercise Delegation
Attachment 3 – Delegate Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_WAKOO_002_00): to rezone Lot 1 DP 1134973 Swan Hill Road, Murray Downs to zone RE2 Private Recreation and change minimum lot size.

I, the General Manager, Western Region 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 (EP&A Act) that an amendment to the Wakool Local Environmental Plan 2013 to rezone Lot 1 DP 1134973 Swan Hill Road, Murray Downs to zone RE2 Private Recreation and change minimum lot size should proceed subject to the following conditions:

1. 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 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 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.
2. 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:
 - (a) Office of Environment and Heritage - in relation to flooding, biodiversity, State Heritage item (Murray Downs Homestead located on Lot 2 DP 1067731).
 - (b) NSW Roads and Maritime Services.
 - (c) NSW Rural Fire Service.

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 planning proposal prior to community consultation.

3. 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).

4. Prior to submission of the planning proposal under Section 59 of the EP&A Act, the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps'.
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 7th day of August 2015.


Ashley Albury
General Manager, Western Region
Planning Services

Delegate of the Minister for Planning