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Our ref: PP_2012_MURRA_001_00 (12/06092-1)
Your ref:

Mr Greg Murdoch
General Manager
Murray Shire Council
PO Box 21
MATHOURA NSW 2710

Dear Mr Murdoch,

Re: Planning proposal to increase the minimum lot size for land at Maiden Smith Drive, Moama, from 2000sqm to 5000sqm

I am writing in response to your Council's letter dated 21 March 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Murray Local Environmental Plan 2011 to increase the minimum lot size for land at Maiden Smith Drive, Moama, from 2000sqm to 5000sqm

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Department notes that the subject land is zoned R2 Low Density Residential, and the proposed amendment to the minimum lot size reflects that of existing land within the 'Maiden Smith Drive Estate'. It is also noted that land within the estate is zoned R5 Large Lot Residential. Therefore, Council should consider zoning the R5 land to the R2 Zone to better reflect Councils intended outcome for the area to permit further development without compromising the existing character and amenity of the area. Should Council consider it appropriate to rezone the land to R2, the planning proposal is to be amended prior to the commencement of community consultation and the Department's Regional Office provided with a copy of the revised planning proposal.

It is acknowledged that during the preparation of the Murray LEP 2011 Council liaised with the NSW Rural Fire Service and received advice that there was no objection to the proposed increase in minimum lot size. However, given that a portion of the land is bushfire prone, and the requirements of S117 Direction 4.4 Planning for Bushfire Protection are applicable, Council is to consult with the Commissioner of the NSW Rural Fire Service (RFS) on the proposed amendment given that the minimum lot size for the subject land is currently 2000sqm, in order to satisfy the Local Planning Direction. Council may consult the RFS concurrently with the public exhibition of the planning proposal but is to amend the planning proposal and forward a copy to the Department's Regional Office should the RFS object.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 3.1 Residential Zones are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 following receipt of the Gateway

Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Anna Patton of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,


Sam Haddad
Director-General

28/4/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_MURRA_001_00): to increase the minimum lot size for land at Maiden Smith Drive, Moama, from 2000sqm to 5000sqm

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Murray Local Environmental Plan 2011 to increase the minimum lot size for land at Maiden Smith Drive, Moama, from 2000sqm to 5000sqm should proceed subject to the following conditions:

1. Council should consider zoning the R5 land to the R2 Zone to better reflect Councils intended outcome for the area. Should Council consider it appropriate to rezone the land to R2, the planning proposal is to be amended prior to the commencement of community consultation and the Department's Regional Office provided with a copy of the revised planning proposal.
2. 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 must be made publicly available for **28 days**; and
 - (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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.
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 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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated

28th

day of

April

2012.

Sam Haddad

Sam Haddad

Director-General

**Delegate of the Minister for Planning and
Infrastructure**