

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

**Attention: Simon Arkinstall: Director Planning, Environment and Economic Development**

Dear Mr Bilske,

**Planning proposal (PP\_2018\_MRIVE\_001\_00) to amend Murray Local Environmental Plan 2011 - Insert 'public administration building' as additional permitted use on Moama Recreation Reserve.**

I am writing in response to Council's request for a Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to insert 'public administration building' as an additional permitted use with consent within certain land on Moama Recreation Reserve zoned RE2 Private Recreation being Lot 261 DP 728343, 52 Perricoota Road, Moama.

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

In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have approved the change in the use of the land for public purposes as 'public administration building'. No further approval is required in relation to this Direction.

Plan making powers were delegated to Councils by the Minister in October 2012. I have considered the nature of Council's planning proposal and Council's interest in the land and have determined not to condition the Gateway determination for Council to be the local plan-making authority.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks before the projected publication date.

The request should be forwarded to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)).

All related files for 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 enquiries about this matter, I have arranged for Mr Haydon Murdoch of the Departments Western Region office to assist you. Mr Murdoch can be contacted on 6229 7914.

Yours sincerely



17.8.18

Damien Pfeiffer  
**Director Regions, Western  
Planning Services**

Encl: Gateway determination  
Authorised Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_MRIVE\_001\_00):** to insert 'public administration building' as additional permitted use with consent on Moama Recreation Reserve zoned RE2 Private Recreation- Lot 261 DP 728943, 52 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 3.34(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Murray Local Environmental Plan (LEP) 2011 to insert 'public administration building' as additional permitted use with consent on Moama Recreation Reserve zoned RE2 Private Recreation should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the planning proposal is to be revised as follows:
  - a. A LEP Additional Permitted Use Map is required to be prepared, to identify the part of the Moama Recreation Reserve stated in Part 2 – Explanation of Provisions in the planning proposal;
  - b. Remove the 'Draft' watermark from the planning proposal; and
  - c. 5.1 Implementation of Regional Strategies is to be deleted from the Planning Proposal and replaced with 5.10 Implementation of Regional Plans.
2. Community consultation is required under sections 2.22 and 3.34(2)(c) of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Environment August 2016).
3. Consultation is required with the Department of Industry - Crown Lands and Water under section 3.34(2)(d) of the Act.

The public authority is to be provided with a copy of the planning proposal and any supporting material, and given at least 21 days to comment on the proposal.

4. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP Maps must be prepared and be compliant with the 'Department's Standard Technical Requirements for Spatial Datasets and Maps' 2017.

5. 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 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 **12 months** from the week following the date of the Gateway determination.

Dated 17<sup>th</sup> day of August 2018.



**Damien Pfeiffer**  
**Director Regions, Western**  
**Planning Services**  
**Department of Planning and**  
**Environment**  
**Delegate of the Minister for Planning**



## Attachment 5 – Authorised plan-making reporting template

### Reporting template for authorised LEP amendments

#### Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:  
[Name]  
[Title]  
[Council name]  
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

**Table 1: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Planning proposal number	PP_2018_MRIVE_001_00
Date sent to DPE under section 3.34(1)	30 July 2018
Gateway determination date	17 August 2018

**Table 2: To be completed by the local plan-making authority**

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		



**Table 3: To be completed by the Department of Planning and Environment**

<b>Stage</b>	<b>Date/Details</b>
Notification date and details	

**Additional relevant information:**