

Gateway Determination

Planning proposal (Department Ref: PP-2021-5594): Reduce minimum lot size for Lot 17 DP258661, 17 Maidensmith Drive, Moama.

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 reduce the minimum lot size (MLS) from 3000m² to 1000m² for Lot 17 DP258661, 17 Maidensmith Drive, Moama should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to provide:
 - (a) Outline potential lot yield of the subject land;
 - (b) Outline the recent rezoning history of the subject land;
 - (c) Clarification of the current supply of residential zoned land in Moama;
 - (d) Provide discussion and justification for the introduction of 1,000m² MLS in Moama and on this site;
 - (e) Discussion on potential of the rest of the Maidensmith Drive precinct for infill development; and
 - (f) Consideration of the co-existence with tourism development as identified in the Murray Shire Strategic Land Use Plan.

Prior to community consultation, the planning proposal is to be revised to address condition 1 and submitted to the Department for approval.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. NSW Rural Fire Service 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.

4. 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 17th day of December 2021.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Industry
and Environment

Delegate of the Minister for Planning
and Public Spaces