

Gateway Determination

Planning proposal (Department Ref: PP_2021_7085): to change zoning and minimum lot size at Lot 11 DP748011 and a part of Lot 16 DP835451 at Murray Downs.

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Minister for Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wakool Local Environmental Plan (LEP) 2013 to *change zoning from RU1 Primary Production to IN1 General Industrial and change minimum lot size from 500 ha to Nil at Lot 11 DP748011 and part of Lot 16 DP835451 at 51 Swan Hill Road and Cygnet Lane, Murray Downs* should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal dated September 2021 is to be updated to:
 - a) assess the planning proposal against the endorsed Murray River Council Local Strategic Planning Statement 2020 – 2040 and acknowledge the Wakool Shire Land Use Strategy and Supplementary information as endorsed by the Department on 24 March 2011;
 - b) undertake preliminary contamination investigations to satisfy Council the subject land is suitable or can be made suitable for the future industrial use of the site; and
 - c) assess the site against the Wakool DCP 2013 and the Murray Downs Floodplain Risk Management Study and Plan dated January 2017. Council is to be satisfied that the proposal will not increase the flood hazard.
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. 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).

4. 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.
5. The timeframe for completing the LEP is to be **nine (9) months** from the date of the Gateway determination.

Dated 24th day of December 2021.



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

Delegate of the Minister for Planning
and Minister for Homes