



Mr Terry Dodds
Chief Executive Officer
Murray River Council
PO Box 906
Moama NSW 2731

Attention: Llyan Smith, Acting Manager Planning Services.

Dear Mr Dodds

Planning proposal PP-2021- 7085 to amend Wakool Local Environmental Plan 2013- Cygnet Lane, Murray Downs.

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to change zoning and minimum lot size for Lot 11 DP748011 and a part of Lot 16 in DP835451 at 51 Swan Hill Road and Cygnet Lane, Murray Downs.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with Section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Areas are of minor significance in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

In relation to Section 9.1 Direction 2.6 Remediation of Contaminated Land and Direction 4.3 Flood Prone Land, consistency remains unresolved at this time and will be informed by the updates required under Gateway condition 1.

The planning proposal discusses demand for employment land but presents no supporting evidence. A planning proposal should be supported by a strategic justification and evidence to demonstrate the need to change land use and the scale of the change. The Murray River Council Local Strategic Planning Statement recommends an employment lands strategy be prepared (Action 3.1) and refers to industrial land at Murray Downs (Action 3.4). The Department supports evidence based strategic planning and recommends Council ensure these LSPS actions are given appropriate priority. The Department is available to provide supporting advice.

Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within nine (9) months of the date of the Gateway determination however this a maximum time and Council should strive to finalise the proposal earlier. Council should aim to commence the exhibition of the planning proposal as soon as possible.

This will be a Map Only Amendment and the details of this process can be found in the document "LEP's where council is the local plan-making authority" (enclosed).

Council's request to draft and finalise the LEP should be made directly to the Department of Planning and Environment at mapinstrument.drafting@dpie.nsw.gov.au six (6) weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment, Western Region office 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Meredith McIntyre to assist you. Ms McIntyre can be contacted on 62297912.

Yours sincerely



24 December 2021

Garry Hopkins
Director Western Region
Local and Regional Planning

Encl: Gateway determination
'LEP's where council is the LPMA'