



## Gateway Determination

**Planning proposal (Department Ref: PP-2023-1523):** 6 Clifton Street, Mathoura – Zone and Minimum Lot Size amendment

I, the Director, Western Region, at the Department of Planning, Housing and Infrastructure, 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 2011 for rezoning and minimum lot size change at 6 Clifton Street, Mathoura should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 16 May 2025.

1. Prior to exhibition, the planning proposal is to be amended to address the points listed below in this condition and forwarded to the Minister under s 3.34(6) of the Act:
  - (a) Include evidence and narrative how the increased permissible density can be serviced.
  - (b) Provide justification why the RU5 zone is the most appropriate zoning to facilitate the residential objective of the planning proposal. If the RU5 zone is to be retained, further detail is required to demonstrate how other non-residential accommodation land uses which will become permissible are appropriate for the site and how land use conflicts will be avoided or minimised.
  - (c) Address the Murray River Local Housing Strategy flooding recommendations in relation to the subject site.
  - (d) Include justification to demonstrate the risks of leap-frog development have been considered, in line with the Murray River Local Housing Strategy, as the proposed Lot 611 DP 806704 does not adjoin the current RU5 Village zoned land.
  - (e) Include provisions that rectify zoning anomalies of the surrounding SP2 infrastructure zones.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

- (a) the planning proposal is categorised as Standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
- (c) Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act:
  - NSW Rural Fire Service
  - Transport for NSW
  - Department of Climate Change, Energy, the Environment and Water - Biodiversity, Conservation and Science Division

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

- 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).

Dated 15 February 2024



**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**