

Gateway Determination

Planning proposal (Department Ref: PP-2023-2004): to rezone land and reduce the minimum lot size at 420-508 Perricoota Road, Moama

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 River Local Environmental Plan 2011 to rezone land and reduce the minimum lot size at 420-508 Perricoota Road, Moama 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 18/11/2024.

Gateway Conditions

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) Clarify existing ambiguities within the proposal regarding inclusion of Lot 2 DP1283567 and Lot 1 DP1231352 as part of the amendment. All applicable sections of the planning proposal are to reflect the correct land and intended amendment outcomes clearly and consistently.
 - (b) Consider the existing use of Lot 1 DP1231352, and:
 - Provide a narrative around the existing use of Lot 1 DP1231352 as the site of “Free Range British Butchery”, a local artisan food and drink industry.
 - Address any potential ramifications of this existing land use with the proposed zoning and minimum lot size.
 - Evaluate the suitability of extending the proposed employment zoning to include Lot 1 DP1231352 and if deemed suitable, update the proposal to reflect employment zoning over Lot 1 DP1231352.
 - (c) Include the rationale and suitability of the E1 Local Centre zone selection, including a draft land use table, compared to other employment zone options.
 - (d) In explanation of provisions, and elsewhere if required, clarify if proposed zone and MLS apply to part lots (eg. Lot 1 DP 1283567).

- (e) Depending on proposed zone boundaries compared to current lot boundaries, consider need for a split zoned parcel clause.
 - (f) Update the explanation of provisions to reflect the correct existing minimum lot size for the subject site.
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 also required with adjoining landholders.
3. 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 of the Act:
- Department of Primary Industries (Agriculture)
 - NSW Rural Fire Service
 - Transport for NSW.
- 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.
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).

Dated 23 February 2024



Garry Hopkins
Director, Western Region
Planning and Land Use Strategy
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces