



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

Our ref: PP-2022-4007/IRF/22-4244

**Attention: Mr Christopher O'Brien, Senior Town Planner**

Dear Mr Dodds

**Planning proposal PP-2022-4007 to amend Murray Local Environmental Plan 2011 –  
Reclassification, rezoning and removal of minimum lot size provision at Lot 1 DP  
793207, Cobb Highway, Moama – Moama Business Park expansion**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify from 'Community' to 'Operational', rezoning from RU1 Primary Production to IN1 General Industrial (E4 – General Industrial transition) and removal of minimum lot size provision at Lot 1 DP 793207, Cobb Highway, Moama – Moama Business Park expansion.

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

I wish to advise, as delegate of the Secretary, the inconsistency of the planning proposal with applicable Direction of the Minister under section 9.1 of the Act 4.4 Remediation of Contaminated Land is unresolved at this time and requires further justification. In relation to the planning proposal's inconsistencies with Section 9.1 Directions 9.1 Rural Zones and 9.2 Rural Lands, I have determined that these are of minor significance and no further work is required.

I have considered the nature of Council's planning proposal and have determined not to condition the Gateway determination for Council to be the local plan-making authority. This is due to Council being the owner of the subject land and that the planning proposal involves the reclassification of 'community' land to 'operational' land.

Council is reminded of its obligations to undertake a Public Hearing in relation to the proposed reclassification of land in accordance with the Departments LEP Practice Note PN 16-001 – Classification and reclassification of public land through a local environmental plan. Council is also reminded of its obligation under the *Local Government Act, 1993* when undertaking reclassification of land.

The amending local environmental plan (LEP) is to be finalised within twelve (12) months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight (8) weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, September 2022) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Jenna McNabb to assist you. Ms McNabb can be contacted on 5852 6811.

Yours sincerely



9 December 2022

**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**

Encl: Gateway determination