



Ms Margot Stork
Interim General Manager
Murray River Council
PO Box 21
Mathoura NSW 2710

Attention: Mr Chris O'Brien, Town Planner

Dear Ms Stork

Planning proposal (PP_2017_MRIVE_001_00) to amend Murray Local Environmental Plan 2011 – Floating Restaurant

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend the Murray Local Environmental Plan (LEP) 2011 to include 'restaurant' as an additional permitted use in Schedule 1 – Additional Permitted Uses on land known as Crown Waterway South bank of the Murray River and adjacent to Lot 1 DP903914, within the W2 – Recreational Waterways zone.

As delegate of the Minister for Planning, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination (Attachment 1).

The Planning Proposal is to be amended prior to the commencement of community consultation to address the final Riverina Murray Regional Plan for consistency with section 117 Direction 5.10 (refer Condition 1).

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions. Council should ensure this occurs prior to community consultation.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan (Attachment 2).

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office (parliamentary.counsel@pco.nsw.gov.au) 10 weeks prior to the projected publication date.

A copy of the request should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) for administrative purposes.

All related files for the LEP Amendment, including PDF Maps, Map Cover Sheet, Planning Proposal documents and GIS Data, if available, must be submitted to the Department via the Planning Portal website at <https://www.planningportal.nsw.gov.au/planning-tools/online-submission-planning-data>. To submit the data, Council is required to create an account and log in using these details.

In accordance with "A guide for the preparation of local environmental plans" Delegated plan making reporting template (Attachment 3) is enclosed for Council's information. Table 2 of the attachment is to be completed and included in Council's section 59 submission when requesting the planning proposal be finalised.

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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Jenna McNabb of the Departments Western Region office to assist you. Ms McNabb can be contacted on (02) 6841 2180.

Yours sincerely



8.9.17

Katrine O'Flaherty
**Director Regions, Western
Planning Services**

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_MRIVE_001_00): to amend the Murray Local Environmental Plan (LEP) 2011 to include 'restaurant' as an additional permitted use in Schedule 1 – Additional Permitted Uses on land known as Crown Waterway South bank of the Murray River and adjacent to Lot 1 DP903914, within the W2 – Recreational Waterways zone.

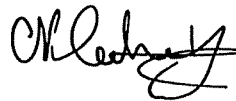
I, the Director Regions, Western, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Murray Local Environmental Plan (LEP) 2011 to amend the Murray Local Environmental Plan (LEP) 2011 to include 'restaurant' as an additional permitted use in Schedule 1 – Additional Permitted Uses on land known as Crown Waterway South bank of the Murray River and adjacent to Lot 1 DP903914, within the W2 – Recreational Waterways zone should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be amended to address section 117 Direction 5.10 - Implementation of Regional Plans. This work is to address the final Riverina Murray Regional Plan.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Office of Environment and Heritage.
 - Department of Primary Industries – Water and Fisheries, Crown Lands
 - Murray Darling Basin Authority
 - Roads and Maritime Services
 - Campaspe Shire Council

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 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 56(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).
5. Prior to submission of the planning proposal under section 59 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
6. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 8th day of September 2017.



Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Murray River Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (the Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_MRIVE_001_00	Planning proposal to amend the Murray Local Environmental Plan (LEP) 2011 to include 'restaurant' as an additional permitted use in Schedule 1 – Additional Permitted Uses on land known as Crown Waterway South bank of the Murray River and adjacent to Lot 1 DP903914, within the W2 – Recreational Waterways zone

In exercising the Minister's functions under section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 8 September 2017

Katrine O'Flaherty
Director Regions, Western
Planning Services
Department of Planning and Environment

**Delegate of the Secretary
of the Department of Planning and Environment**

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_MRIVE_001_00
Date Sent to DP&E under s56	18 August 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	8 September 2017

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: