

Our Ref: 0081/16 ltr 2

26 August 2016

The General Manager
Murray River Council
PO Box 21
MATHOURA NSW 2710

Attention: Chris O'Brien – Town Planner

Dear Chris,

**ADDITIONAL INFORMATION – APPLICATION FOR PLANNING PROPOSAL
TINDARRA RESORT, MOAMA**

This letter responds to Council's request dated 26 August 2016 to address the matters of Section 117 Direction 1.5 Rural Lands. The response is required to be incorporated with the application for a Planning Proposal for Tindarra Resort at No.2 Perricoota Road, Moama.

Table 1: Response to Section 117 Direction 1.5 Rural Lands

Ministerial Direction	Relevance	Consistency	Implications
1. Employment and Resources			
1.5 Rural Lands	This direction applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies and aims to: (a) protect the agricultural production value of rural land, and (b) facilitate the orderly and economic development of rural lands for rural and related purposes This direction applies when: (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.	Yes	State Environmental Planning Policy (Rural Lands) 2008 applies to the Murray River Council and therefore Direction 1.5 applies to this application. This application is not inconsistent with the aims of the Direction in that the land is not currently used for agricultural production and the nature of the proposed use will be unchanged by the proposal. The proposal is also compatible with the potential use of adjoining and surrounding rural lands for agriculture appropriate to the size of the lots and the environmental constraints of the foreshore locality. In this regard the proposal does not prevent the orderly and economic development of rural lands in the locality for rural and related purposes. The rural setting of the site is an integral attribute to the character and ambience of the existing tourist facility. This application for a Planning Proposal does not change provisions of MLEP 2011 which relate to minimum lot size. Therefore the proposal is required to be

	When this Direction applies, a Planning Proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008 and if there is a proposed change to the minimum lot size must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: - gives consideration to the objectives of this direction, - identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and - is approved by the Director-General of the Department of Planning and is in force, or (b) is of minor significance		consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2009 as detailed in Table 2 below. As demonstrated by Table 2 the application for a Planning Proposal is consistent with Clause 7 to the SEPP Rural Lands 2009 and is therefore consistent with the terms of Direction 1.5.
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Table 2: Consistency with Rural Planning Principles listed in Clause 7 to State Environmental Planning Policy (Rural Lands) 2009

Rural Planning Principle	Comment on Consistency
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas	The proposal to change the land use zone to SP3 Tourist is more consistent with the continued use of the site for tourist-related purposes than the current zoning. The change in the zoning will facilitate the delivery of a variety of high quality tourist-related services and facilities at the site in a manner which is



	consistent with the zoning and land uses permissible on other sites in the locality that are used for tourist purposes. The change in zoning and permissible land uses will enable the continuation of a sustainable economic use of the land which is appropriate for, and dependent upon, its rural and environmental setting without detrimental impacts to the potential use of neighbouring and nearby properties for rural purposes.
(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	The changing nature of agriculture in the Murray Region includes diversification, small-scale boutique and specialist production, environmentally sustainable agricultural practices and linkages on a local and regional scale. The proposal is compatible with the changing nature of agricultural production in the locality by adding to the diversity of land uses without compromising agricultural productivity. In fact, the proposal has the potential to enhance local productivity through linkages in supply and services, diversity in employment and the attraction of tourists to the locality to boost local economic activity and promote the appreciation of natural and cultural assets.
(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	The proposal adds to the diversity of activities and employment opportunities with business links to local suppliers and attracting tourists to the locality. The proposal will have positive impacts in directly and indirectly supporting rural land uses.
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The proposal is not inconsistent with this principle.
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	The application does not change the manner in which the environmental protection measures of the current planning provisions apply to the land and to the potential assessment of future development applications.
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	This proposal is not inconsistent with this principle.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	The proposal will not result in any increase in demand for infrastructure or services which would be detrimental to rural housing supply.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	See Part 4 to the application for a Planning Proposal which demonstrates that the application is consistent with all relevant strategies.



We thank you for the opportunity to provide additional information to be included in the application for a Planning Proposal. Should you require any further clarification of the above information or require any further information, please do not hesitate to contact our office.

Yours faithfully,

Planning Ingenuity Pty Ltd

Jeff Mead

MANAGING DIRECTOR