



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

16/12838

Attention: Mr Chris O'Brien, Town Planner

Dear Ms Stork

Planning Proposal (PP_2016_MRIVE_005_00) to amend Murray LEP 2011 to rezone land from zone E3 Environmental Management to zone SP3 Tourist at Lots 1, 2, 3 and 4 DP 270496, Perricoota Lane, Moama, being the 'Tindarra Resort'

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend the Murray LEP 2011 to rezone land from zone E3 Environmental Management to zone SP3 Tourist at Lots 1, 2, 3 and 4 DP 270496, Perricoota Road, Moama, being the 'Tindarra Resort'. I refer also to the additional information received on 10 February 2017.

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

The proposal is inconsistent with the following section 117 Directions: 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection. Prior to community consultation being undertaken, Council is to consult with the Office of Environment and Heritage (OEH) and the NSW Rural Fire Service (RFS) and obtain agreement from the agencies to comply with requirements of section 117 Directions. Council is to forward responses from public authorities to the Department and seek approval to proceed to community consultation. (Refer to Conditions No. 1 and 2 of the Gateway determination).

Council is to also consult with:

- Murray Local Land Services (LLS) on natural hazards including potential impacts on the catchment and riverine area and the Roads and Maritime Service (RMS), and
- The Office of Environment and Heritage (OEH) on the potential impacts of development on the river bank within the riverfront setback as set out in Clause 7.4 of the *Murray Local Environmental Plan 2011*.

In relation to the draft Murray Shire Strategic Land Use Plan 2010 – 2030, it is noted that the proposal is inconsistent with the strategy at this time, and that Council has indicated it will conduct a comprehensive review the draft strategy. This work should also include updating the strategy to identify any future areas of tourism, in particular, existing tourism

operations such as the 'Tindarra' Resort. The Department is available to discuss the process to undertake this work.

I also note that the site is subject of a 'temporary use of land' approval for a function centre and marquee, which is located on the river bank. Council is reminded of the provisions of Murray LEP 2011 and Murray Regional Environmental Plan No. 2 in relation to development along the Murray River.

The Minister delegated plan making powers to Councils 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 in this case.

The amending Local Environmental Plan (LEP) is to be finalised within 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 10 weeks prior to the projected publication date. This request is to be forwarded to the Department of Planning and Environment's Western Region office (westernregion@planning.nsw.gov.au).

All related files for the LEP Amendment, including Maps, Map Cover Sheet, Planning Proposal document, section 59 Reporting 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.

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 *Environmental Planning and Assessment Act, 1979* if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Jenna McNabb of the Department's Western Region office to assist you. Ms McNabb can be contacted on (02) 68412180.

Yours sincerely


Wayne Garnsey 24/2/2017.
**Acting Director Regions, Western
Planning Services**

Encl:

Attachment 1 – Gateway determination
Attachment 2 – Authorisation to Exercise Delegation
Attachment 3 – Plan Making Reporting Template