



Gateway Determination

Planning proposal (Department Ref: PP_2016_MRIVE_003_00): to amend the Murray Local Environmental Plan 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, the Acting 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* that the amendment to the Murray Local Environmental Plan 2011 (LEP) 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, should proceed subject to the following conditions:

The Minister's delegate determines and supports the planning proposal, subject to the following conditions:

1. Prior to undertaking community consultation, consultation with NSW Rural Fire Service is required to address the proposal's inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection.

Council is to forward the NSW Rural Fire Service response to the Department to seek approval from the Department prior to undertaking community consultation.

2. Prior to undertaking community consultation, Council is to consult with NSW Office of Environment and Heritage to address the proposals inconsistency with section 117 Direction 4.3 Flood Prone Land and potential impacts of development within the river front area as specified in Clause 7.4 of the *Murray Local Environmental Plan 2011*. Council is to take into account the outcomes of this work and seek approval from the Department prior to undertaking community consultation.
3. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act, 1979*:
 - a) Transport for NSW – Roads and Maritime Services
 - b) Murray Local Land Services

Each public authority is to be provided with a copy of the planning proposal (as amended) and any relevant supporting material, and given at last 21 days to comment on the proposal. Council is to forward public authority responses to the Department and seek approval to proceed to community consultation.

4. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act, 1979* as follows:
 - a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).
 - 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 LEPs.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act, 1979*. 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).
6. Prior to submission of the planning proposal under section 59 of the *Environmental Planning and Assessment Act, 1979*, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015.
7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 24th day of February 2017.


Wayne Garnsey
Acting Director Regions,
Western
Planning Services
Department of Planning and
Environment

Delegate of the Minister for
Planning