



Planning & Infrastructure

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Mr Paul Bennett
 General Manager
 Tamworth Regional Council
 PO Box 555
 TAMWORTH NSW 2340

Our ref: PP_2012_TAMWO_001_00 (12/09271)
 Your ref:

Dear Mr Bennett,

Planning proposal to rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Use.

I am writing in response to your Council's letter dated 25 May 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Tamworth Local Environmental Plan 2010 to

- rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Use;
- apply a 1:1 floor space ratio control for Lot 1 DP 803644, 89 Marius Street, Tamworth; and
- exclude Lot 1 DP803644, 89 Marius Street and Lot 1 DP 70023, 8 O'Connell Street from Clause 7.4 Development in Zone B1 and Zone B4.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council intends to apply a maximum floor space ratio control of 1:1 to Lot 1 DP 803644, however the planning proposal does not address this component of the proposed amendment. Council needs to amend the planning proposal prior to community consultation to reflect the intended outcome and ensure the objectives are clearly articulated. Council needs to provide a copy of the revised planning proposal to the Department's Regional Office.

It is noted that the land subject to the planning proposal includes 89 Marius Street and 8 O'Connell Street. It is also noted that the Site Identification Map at Attachment 1 excludes the land at 8 O'Connell Street. For the purposes of community consultation, Council needs to revise the map to ensure the subject land is clearly identified.

Council needs to consult with Transport for NSW – Roads and Maritime Services regarding the potential impact of the rezoning on the intersection with Peel Street. Council should address any concerns raised prior to finalisation of the planning proposal.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jon Stone of the Regional Office of the Department on 02 6701 9689.

Yours sincerely,


Sam Haddad
Director-General
14/6/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_TAMWO_001_00): to rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Use.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Tamworth Local Environmental Plan 2010 to

- rezone Lot 1 DP 803644, 89 Marius Street, Tamworth from IN1 General Industrial to B4 Mixed Use;
- apply a 1:1 floor space ratio control for Lot 1 DP 803644, 89 Marius Street, Tamworth; and
- exclude Lot 1 DP803644, 89 Marius Street and Lot 1 DP 70023, 8 O'Connell Street from Clause 7.4 Development in Zone B1 and Zone B4.

should proceed subject to the following conditions:

1. Council is to clarify that it intends to apply a maximum floor space ratio control of 1:1 to Lot 1 DP 803644. Council needs to amend the planning proposal prior to community consultation to reflect the intended outcome and provide a copy of the revised planning proposal to the Department's Regional Office.
2. Council needs to revise the Site Identification Map at Attachment 1 to ensure the subject land is clearly identified, including land at 8 O'Connell Street, for the purposes of community consultation.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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 EP&A 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).



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6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 14th day of June 2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure