



Contact: Jon Stone
Phone: (02) 6701 9689
Fax: (02) 6701 9690
Email: Jon.Stone@planning.nsw.gov.au
Postal: PO Box 550, Tamworth NSW 2340

Our ref: PP_2011_TAMWO_002_00 (11/09305)
Your ref: MP/GH SF5190

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

Dear Mr Bennett,

Re: Planning Proposal to permit 'dwelling houses' and 'secondary dwellings' with consent in the SP3 Tourist zone

I am writing in response to your Council's letter dated 30 May 2011 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 Regional Local Environmental Plan 2010 to permit 'dwelling houses' and 'secondary dwellings' with consent in the SP3 Tourist zone.

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

The inclusion of 'dwelling-houses' and 'secondary dwellings' as permitted with consent in the SP3 Tourist Zone is considered inappropriate and is not supported.

The mandated objective of the Tourist Zone provides for tourist orientated development and related uses. Permanent residential accommodation is not considered a related use, and therefore is inconsistent with the intent and purpose of the Tourist Zone. The planning proposal is also considered to be inconsistent with Council's additional objective for the SP3 Tourist Zone, as permanent residential development does not contribute to the regional or national significance of a tourist precinct that attracts visitors on a temporary basis.

It is noted that Council's Development Strategy requires a master plan for the Equine Industry Cluster Areas to provide direction in relation to the types of development that are considered appropriate for this area. Additionally, the Department's Practice Note 09-006 encourages councils to develop a tourism strategy as part of their local strategic planning, should they wish to achieve tourism related outcomes through their local environmental planning instruments. It is acknowledged that the 'Longyard Trails concept plan' has been prepared for the site, but this does not constitute a master plan for the site nor does it constitute a Tourism Strategy. In the absence of this strategic planning framework, the Department is not able to fully consider the strategic merit of this planning proposal.

It is acknowledged that there is some merit however, to providing permanent residential accommodation in this location and the intent of the planning proposal is supported. Therefore the preferred approach to achieve Council's objective is to rezone the 'detached accommodation' component in the 'Longyard Trails concept plan' document to R5 Large Lot Residential, whilst retaining the SP3 Tourist Zone over the 'Resort' component. In addition, Council is to include an additional objective in the Land Use Table for the R5 Large Lot Residential Zone to reflect the intent of permitting residential development to support the equine industry, and the direction of the Concept Vision and future master plan of the area.

Council is to prepare appropriate zoning maps, showing the existing zoning and the proposed zoning and include these with an amended planning proposal to reflect the requirements of the Gateway Determination.

Council is not to commence exhibition until the amendments as required by the Gateway Determination have been made to the planning proposal, and this information has been resubmitted to the Department for consideration.

Council is encouraged to progress the concept vision, and a master plan for the area to establish an agreed strategic vision for the area.

I understand that the department's Regional Director, Northern Region has written to Council previously in regard to the format and content of planning proposals. Council must ensure that all planning proposals include appropriate justification and robust assessment in relation to the strategic planning framework for the Local Government Area, such as relevant S117 Directions, SEPP's and Department endorsed Local Strategies. It is considered that the current proposal should have undertaken a more detailed assessment of its consistency with the Tamworth Regional Development Strategy and its recommendation that a master plan be developed for the identified Equine Industry Areas. In addition, a more detailed assessment of how permanent residential accommodation could be considered consistent with the intent of the SP3 Tourist Zone, and why the removal of 'dwelling houses' and 'secondary dwellings' from the SP3 Tourist Zone by the Minister in the making of Tamworth Regional LEP 2010 can be considered as an anomaly by Council should have been provided in the planning proposal.

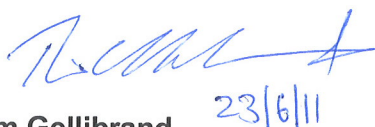
I would encourage Council to have discussions with the Regional Office when preparing future planning proposals to ensure that they are adequate and meet the requirements of section 55 of the EP&A Act when submitted formally.

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 the date of the concurrence by the Minister (or his delegate). 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,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_TAMWO_002_00): to permit 'dwelling houses' and 'secondary dwellings' with consent in the SP3 Tourist zone.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Tamworth Regional Local Environmental Plan 2010 to permit 'dwelling houses' and 'secondary dwellings' with consent in the SP3 Tourist zone should proceed subject to the following conditions:

1. The inclusion of 'dwelling-houses' and 'secondary dwellings' as permitted with consent in the SP3 Tourist Zone is considered inappropriate and is not supported. Council is to rezone the 'detached accommodation' component on the concept master plan contained in the 'Longyard Trails concept plan' document to R5 Large Lot Residential, whilst retaining the SP3 Tourist Zone over the 'Resort' component. In addition, Council is to include an additional objective in the Land Use Table for the R5 Large Lot Residential Zone to reflect the intent of equine related residential development, and the direction of the Concept Vision and future master plan of the area.
2. Council is to prepare appropriate zoning maps, showing the existing zoning and the proposed zoning and include these with an amended planning proposal to reflect the requirements of the Gateway Determination.
3. Council is not to commence exhibition until the amendments as required by the Gateway Determination have been made to the planning proposal, and this information has been resubmitted to the Department for consideration.
4. 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 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).
5. No consultation is required with State and Commonwealth public authorities under Section 56(2)(d) of the EP&A Act:
6. 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).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 23rd day of June 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and Infrastructure