



Planning & Environment

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

Our ref: 14/19572

Attention: Megan Purkiss

Dear Mr Bennett

Planning proposal to amend Tamworth Regional Local Environmental Plan 2010

I am writing in response to your Council's letter dated 17 November 2014 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 rezone land at Goonoo Goonoo Road, Tamworth from RU4 Primary Production Small Lots to B5 Business Development, SP2 Public Utility Undertaking and SP3 Tourist, to alter the minimum lot size and floor space ratio controls for the subject land and remove an item from Schedule 1 Additional Permitted Uses due to the use becoming permissible in the proposed zone.

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

I have also agreed the planning proposal's inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, and 3.4 Integrating Land Use and Transport are justified by a strategy approved by the Secretary's delegate (the South Tamworth Rural Lands Master Plan) and 1.3 Mining, Petroleum Production and Extractive Industries and 4.3 Flood Prone Land are justified as of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils by the Minister 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.

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 as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Jon Stone of the Department's Northern Region office to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely

 26 November 2014
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_TAMWO_003_00): to rezone land at Goonoo Goonoo Road, Tamworth from RU4 Primary Production Small Lots to B5 Business Development, SP2 Public Utility Undertaking and SP3 Tourist, to alter the minimum lot size and floor space ratio controls for the subject land and remove an item from Schedule 1 Additional Permitted Uses due to the use becoming permissible in the proposed zone.

I, the General Manager, Northern Region at the Department of Planning and Environment 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 (LEP) 2010 to rezone land at Goonoo Goonoo Road, Tamworth from RU4 Primary Production Small Lots to B5 Business Development, SP2 Public Utility Undertaking and SP3 Tourist, to alter the minimum lot size and floor space ratio controls for the subject land and remove an item from Schedule 1 Additional Permitted Uses due to the use becoming permissible in the proposed zone, should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to:
 - (a) amend Parts 1 and 2 of the planning proposal to clearly show that the proposal includes the rezoning of land (New England Highway) to SP3 Tourist as well as the amendment of the minimum lot size and floor space ratio controls for that land;
 - (b) amend the table on page 5 to remove reference to 470-506 Goonoo Goonoo Road, being Lot 1 DP 999490 and Lot 1 DP 516989 to reflect that this land (Transgrid site) will not have floor space ratio controls applied;
 - (c) amend Parts 1 and 2 of the planning proposal to articulate that the current land use of Lot 1 DP 853320, a place of public worship, will become a prohibited use in the proposed B5 Business Development Zone and that its continued operation is secured through existing use right provisions of the EP&A Act and Regulation 2000; and
 - (d) prepare draft LEP maps in accordance with the Department's standard technical requirements in relation to zoning, minimum lot size and floor space ratio.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Environment 2013) and must be made publicly available for a minimum of **14 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Environment 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and to comply with the requirements of relevant S117 Directions:
- Essential Energy;
 - Transgrid;
 - NSW Road and Maritime Service; and
 - Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 25th day of November 2014.



Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Tamworth Regional Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_TAMWO_003_00	Planning proposal to rezone land at Goonoo Goonoo Road, Tamworth from RU4 Primary Production Small Lots to B5 Business Development, SP2 Public Utility Undertaking and SP3 Tourist, to alter the minimum lot size and floor space ratio controls for the subject land and remove an item from Schedule 1 Additional Permitted Uses due to the use becoming permissible in the proposed zone.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 25 November 2014



Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment