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Department Generated Correspondence (Y)

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Our ref: PP_2011_TAMWO_003_00 (11/12834)
Your ref: NB/GM/ SF 5279

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

Dear Mr Bennett,

Re: Planning Proposal to amend the Tamworth Regional LEP 2010 by rezoning the subject site from RE1 Public Recreation to B5 Business Development to facilitate the development of bulky good premises

I am writing in response to your Council's letter dated 20 July 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 Local Environmental Plan 2010 by rezoning the subject site from RE1 Public Recreation to B5 Business Development to facilitate the development of bulky good premises.

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.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 3.2 Caravan Parks and Manufactured Home Estates, and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions. The planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is not considered to be minor and further justification is required to be provided 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,

Tom Gellibrand 16/8/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_TAMWO_003_00): to rezone the subject site from RE1 Public Recreation to B5 Business Development to facilitate the development of bulky good premises.

I, the Deputy Director General, Plan Making & Urban Renewal 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 Regional Local Environmental Plan 2010 to rezone the subject site from RE1 Public Recreation to B5 Business Development to facilitate the development of bulky good premises should proceed subject to the following conditions:

1. The planning proposal is to be amended prior to public exhibition to include a Floor Space Ratio Map that establishes a 1:1 development ratio for the site, consistent with other land zoned B5 in the locality.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Department of Trade and Investment, Regional Infrastructure and Services (Fisheries)
 - Roads and Traffic Authority
 - Office of Water

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.

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 16th day of August 2011.

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