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Our ref: PP_2011_TAMWO_001_00 (11/08400)
Your ref: AS/GH/mc SF 5221

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

Dear Mr Bennett,

Re: Planning Proposal to rezone land to the west of the Glen Artney Industrial Precinct from RU4 Rural Small Holdings to facilitate the expansion of the existing food processing cluster and cemetery/crematoria facility, and to provide certainty for the ongoing operation of the existing motor sports complex

I am writing in response to your Council's letter dated 11 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 rezone land to the west of the Glen Artney Industrial Precinct from RU4 Rural Small Holdings to facilitate the expansion of the existing food processing cluster and cemetery/crematoria facility, and to provide certainty for the ongoing operation of the existing motor sports complex.

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

It is noted that Council has submitted 3 options to achieve the desired objectives of the planning proposal. A preferred option has not been specified in the planning proposal. The 3 options include:

- Option 1 – to amend the LEP by adding an item to Schedule 1 – Additional Permitted Uses that would permit development for the purposes of rural industries, rural supplies, industrial retail outlets, cemeteries, crematoria, recreation facilities (major) and livestock processing industries on the subject land.
- Option 2 – to rezone the land from RU4 Rural Small Holdings to part RU1 Primary Production and part SP1 Cemetery and Crematorium.
- Option 3 – to rezone the land from RU4 Rural Small Holdings to part IN1 General Industrial, part IN3 heavy Industrial, RU1 Primary Production and E2 Environmental Conservation.

It is recommended that Council adopt a modified version of Option 2 as detailed in the planning proposal in order for the matter to proceed. Council is required to review the proposed zoning for portions of the subject area as detailed in the attached Gateway Determination and provide revised mapping to reflect the preferred approach. Council is also to provide appropriate mapping for exhibition purposes which demonstrates the proposed minimum lot size for the subject area. In determining an appropriate minimum lot size for the area, Council should consider the nature of future uses proposed for the Glen Artney precinct and ensure the lot sizes will limit the potential for future land use conflict by allowing for appropriate separation between uses.

Council is required to forward the additional information to the Department prior to exhibition and within 1 month of the week following the date of the Gateway Determination.

It is noted that Council has prepared a land use strategy, the Glen Artney Development Strategy, for the subject area. Council is encouraged to submit this strategy to the Department for consideration and endorsement to ensure that an agreed strategic direction has been established for the area. Council is also required to place the Glen Artney Development Strategy on exhibition with the planning proposal.

It is noted that the subject land contains parcels that are owned by Council. Council is reminded of its obligations as required by the Best Practice Guidelines for LEPs and Council Land when exhibiting a proposal such as in this instance.

The Director General's delegate has agreed that the planning proposal's inconsistencies with S117 Direction 3.2 Caravan Parks and Manufactured Home Estates are of minor significance. No further approval is required in relation to this Direction. The proposal's inconsistencies with s117 Directions 3.5 Development near Licensed Aerodromes and 4.3 Flood Prone Land are not of a minor nature and additional justification for these inconsistencies must be provided prior to the plan being made.

Subject to the Minister approving the form of the revised planning proposal, the amending Local Environmental Plan (LEP) is to be finalised within 9 months from the week following the date of 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 9688.

Yours sincerely,


9/6/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_TAMWO_001_00): to rezone land to the west of the Glen Artney Industrial Precinct to facilitate the expansion of the existing food processing cluster and cemetery/crematoria facility, and to provide certainty for the ongoing operation of the existing motor sports complex.

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 land to the west of the Glen Artney Industrial Precinct to facilitate the expansion of the existing food processing cluster and cemetery/crematoria facility, and to provide certainty for the ongoing operation of the existing motor sports complex should proceed subject to variations outlined in the the following conditions:

1. Council is to revise the proposed zoning for the subject area generally in accordance with Option 2 as detailed in the planning proposal subject to the following amendments:
 - a. the proposed environmental corridor area being Lot 101 DP 1097471, currently identified as RU1 in Option 2 is to be identified with a proposed E3 Environmental Management zone; and
 - b. the motor sports complex site being Lot 42, DP 1129256, currently identified as RU1 Primary Production in Option 2 is to be identified with a proposed RE2 Private Recreation zone; and
2. Council is required to place the Glen Artney Development Strategy on exhibition with the planning proposal at the time of exhibition.
3. Council is required to prepare revised mapping to reflect the changes detailed in Condition 1, above. Council is also required to prepare a map illustrating the proposed minimum lot size for the subject area. This mapping is to be provided with the revised planning proposal when it is resubmitted prior to proceeding to public exhibition.
4. Council is required to prepare a site specific flood study for the subject area to address the proposal's inconsistencies with s117 Direction 4.3 Flood Prone Land. The planning proposal is to reflect the outcomes of this study prior to being made.
5. Council is to forward the revised planning proposal and additional information to the Department prior to exhibition, and within 1 month of the week following the date of the Gateway Determination
6. 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 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)*.
7. Consultation is required with the following State or Commonwealth public authorities under Section 56(2)(d) of the EP&A Act:
 - a. NSW Roads and Traffic Authority
 - b. Office of Environment and Heritage

- c. The Commonwealth Department responsible for the management and planning of airports
 - d. The lessee of the Tamworth Airport
- 8. 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).
- 9. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 9th day of June 2011.



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