

Gateway Determination

Planning Proposal (Department Ref: PP_2018_TAMWO_002_00): to reclassify, rezone or alter the development controls for various lots in Sandy Road, Kootingal, Bass Street, Taminda, and Cockburn Street, East Tamworth.

I, the Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Tamworth Regional Local Environmental Plan (LEP) 2010 to reclassify, rezone or alter the development controls for various lots in Sandy Road, Kootingal, Bass Street, Taminda, and Cockburn Street, East Tamworth should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal as follows:
 - (a) all maps are to be reviewed and amended where necessary to clearly show the current and proposed land use controls with colouring and labelling consistent with the Department's technical mapping standards;
 - (b) Attachment 7 – Analysis of Net Community Benefit is to be amended to remove the reference to extension to an existing cemetery (p10);
 - (c) a preliminary site contamination evaluation be undertaken in accordance State Environmental Planning Policy No 55 – Remediation of land, and the Managing Land Contamination Planning Guidelines 1998, and the planning proposal updated to reflect the outcomes;
 - (d) all matters listed in Attachment 1 of Practice Note 16-001 Classification and reclassification of public land through a local environmental plan are included in the planning proposal;
 - (e) Council is to determine whether any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the subject sites require discharging and include details in the proposal; and
 - (f) a copy of the Department's Practice Note 16-001 Classification and reclassification of public land through a local environmental plan is to be included in the proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).



Planning & Environment

3. No consultation is required with public authorities/organisation under section 56(2)(d) of the Act.
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 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** following the date of the Gateway determination.

Dated *28* day of *FEBRUARY* 2018.

Jeremy Gray
Director Regions, Northern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

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

Dear Mr Bennett

**Planning Proposal PP_2018_TAMWO_002_00 to amend Tamworth Regional
Local Environmental Plan 2010**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 20 February 2018 in respect of the Planning Proposal to reclassify, rezone or alter the development controls for various lots in Sandy Road, Kootingal, Bass Street, Taminda, and Cockburn Street, East Tamworth.

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, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Direction 5.10 Implementation of Regional Plan, and Direction 6.2 Reserving Land for Public Purposes, are justified in accordance with the terms of the Directions. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the land is not currently or proposed to be used for active or passive recreation purposes. No further approval is required in relation to these Directions.


Prior to community consultation, Council is also encouraged to review the proposed zoning of the subject land at Bass Street, Taminda. This review should consider whether an IN1 General Industrial zone on the flood free area of the site matching the surrounding zoning, and providing a contiguous zoning pattern on Bass Street, would be appropriate. Should Council determine to seek this change, an amended Gateway determination would be required before proceeding further.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Jon Stone to assist you. Mr Stone can be contacted on 6701 9688.

Yours sincerely

 28-2-2018
Jeremy Gray
Director Regions, Northern
Planning Services

Encl: Gateway Determination