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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND ENVIRONMENT

Planning Services

TAMWORTH REGIONAL GATEWAY DETERMINATION:

PP 2016 TAMWO 002 00

- The attached Gateway determination and letter is submitted for the Executive Director, Regions' **signature**, if approved.

 5 October 2016
Stephen Murray
Executive Director, Regions
Planning Services

Contact Officer: Craig Diss
Acting Director Regions, Northern
Phone number: (02) 6701 9685
Mobile: 0428 296 619



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

Our ref: PP_2016_TAMWO_002_00 (16/11573)

Attention: Megan Purkiss

Dear ^{Paul}Mr Bennett

Planning proposal to amend Tamworth Regional Local Environmental Plan 2010

I am writing in response to your Council's letter dated 25 August 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) to rezone land in the Werris Creek Rd, Bylong Rd, Warwick Rd and Burgmanns Lane area of Tamworth for residential and neighbourhood commercial uses and amend associated planning controls.

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 S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.2 Caravan Parks and Manufactured Home Estates and 3.4 Integrated Land Use and Transport are of minor significance. No further approval is required in relation to these Directions.

Due to unresolved issues associated with the quantity of land to be zoned for commercial purposes, and potential environmental, Aboriginal cultural heritage and flooding issues, Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 1.1 Business and Industrial Zones, 2.1 Environment Protection Zones, 2.3 Heritage Conservation and 4.3 Flood Prone Land. Council should ensure this occurs prior to the plan being made.

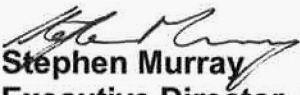
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 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 regional office to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely

 5 October 2016
Stephen Murray
Executive Director, Regions
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2016_TAMWO_002_00): to rezone land in the Werris Creek Rd, Bylong Rd, Warwick Rd and Burgmanns Lane area of Tamworth for residential and neighbourhood commercial uses and amend associated planning controls.

I, the Executive Director, Regions 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 rezone land in the Werris Creek Rd, Bylong Rd, Warwick Rd and Burgmanns Lane area of Tamworth for residential and neighbourhood commercial uses and amend associated planning controls should proceed subject to the following conditions:

1. The area to be zoned B1 Neighbourhood Centre is to be reduced in size to a level more appropriate for the local convenience needs of the residents of the release area. The planning proposal is to be amended and updated, including the strategic justification for the commercial rezoning, and resubmitted to the Department of Planning and Environment for approval prior to undertaking community or agency consultation.
2. Prior to community or agency consultation, the planning proposal is to be amended to:
 - (a) identify and map the land as an urban release area for the purposes of Part 6 of Tamworth LEP 2010;
 - (b) remove any references to the draft New England North West Regional Growth Plan;
 - (c) include existing zoning, minimum lot size and floor space ratio maps and the proposed flood prone land map of the subject land; and
 - (d) update the strategic justification to include a discussion on the rezoning of the existing R5 Large Lot Residential area along Bylong and Warwick Roads which are located outside the South Tamworth Rural Lands Masterplan area.
3. 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 LEPs* (Department of Planning and Infrastructure 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture
- NSW Office of Water
- Transport for NSW
- Roads and Maritime Services
- Transgrid
- Essential Energy
- Tamworth Local Aboriginal Land Council
- NSW Aboriginal Land Council
- North West Local Land Services

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. The agency consultation process is to be completed prior to the commencement of community consultation.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 5th day of October 2016



Stephen Murray
Executive Director, Regions
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_2016_TAMWO_002_00	Planning proposal to rezone land in the Werris Creek Rd, Bylong Rd, Warwick Rd and Burgmanns Lane area of Tamworth for residential and neighbourhood commercial uses and amend associated planning controls

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 5 October 2016



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_TAMWO_002_00
Date Sent to DoP&E under s56	25 August 2016
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: