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Our ref: PP_2012_TAMWO_002_00 (12/10755)
Your ref: AS/GH SF5303

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

Dear Mr Bennett,

Planning Proposal to amend the Tamworth Local Environmental Plan 2010

I am writing in response to your Council's letter dated 25 June 2012 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 certain residential land in Manilla to business, industrial or recreation, and to remove Item I232 from the LEP Heritage Schedule.

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.

It is noted that there is a typographical error at Part 1 'Objectives or Intended Outcomes', which identifies '17 parcels of land' to be rezoned instead of '18 parcels of land'. Furthermore, a map is required to clearly identifying the heritage item to be removed. Council needs to amend the planning proposal accordingly and provide the Department's Northern Region team with a copy of the revised proposal, prior to public exhibition.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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,


Sam Haddad
Director-General

13/7/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_TAMWO_002_00): to rezone certain residential land in Manilla to business, industrial or recreation, and to remove Item I232 from the LEP Heritage Schedule.

I, the Director General, Department of Planning and Infrastructure 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 certain residential land in Manilla to business, industrial or recreation, and to remove Item I232 from the LEP Heritage Schedule should proceed subject to the following conditions:

1. Prior to the commencement of public exhibition the Council is to amend the planning proposal as follows:
 - (a) Correct the typographical error at Part 1 'Objectives or Intended Outcomes', which identifies '17 parcels of land' to be rezoned when it should state '18 parcels of land'.
 - (b) Include a map clearly identifying the heritage item to be removed.

Council is to provide the Department's Northern Region team with a copy of the revised planning proposal, prior to public exhibition.

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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A 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 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 **6 months** from the week following the date of the Gateway determination.

Dated 13th day of July 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure