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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING & INFRASTRUCTURE

Planning Operations & Regional Delivery

TAMWORTH REGIONAL GATEWAY DETERMINATION: PP 2013 TAMRO 007 00

The attached draft Gateway determination and letter is submitted for the Regional Director's signature, if approved.

Gina Davis

Senior Planner – Northern Region

Phone number: 6701 9687

 27 September 2013
Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery

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

Our ref: PP_2013_TAMRO_007_00 (13/15893)
Your ref: AS/GH SF6242

Dear Mr Bennett

Planning proposal to amend Tamworth Regional Local Environmental Plan 2010

I am writing in response to your Council's letter dated 20 September 2013 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 Tamworth Regional LEP 2010 to permit boundary adjustments affecting lots zoned RU1 Primary Production or RU4 Primary Production Small Lots where one or more lots are below the minimum lot size.

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

Council may still need to obtain the agreement of the Director General to comply with the requirements of relevant s117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils 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 attached Gateway determination requires the planning proposal to be amended prior to public exhibition to include appropriate identification mapping of the affected land and that references to amending Clause 4.2 Rural Subdivision of Tamworth Regional LEP 2010 be removed. While the intended outcomes of the Planning Proposal are supported, Clause 4.2 is a mandated provision of the Standard Instrument LEP that can't be altered. The outcomes of the Planning Proposal will therefore need to be implemented through a new local clause. The department's regional office can assist Council in this process if needed. The clause will be drafted by Parliamentary Counsel's Office post exhibition, in consultation with Council, once the proposal is submitted to Parliamentary Counsel for drafting.

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 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 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 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 Ms Gina Davis of the regional office of the department on 02 6701 9687.

Yours sincerely

 27 September 2013
Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_TAMWO_007_00): to amend Tamworth Regional LEP 2010 to permit boundary adjustments affecting lots zoned RU1 Primary Production or RU4 Primary Production Small Lots where one or more lots are below the minimum lot size.

I, the Regional Director, Northern Region at the 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 (LEP) 2010 to permit boundary adjustments affecting lots zoned RU1 Primary Production or RU4 Primary Production Small Lots where one or more lots are below the minimum lot size should proceed subject to the following conditions:

1. 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 & Infrastructure 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
2. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the EP&A Act. The NSW Rural Fire Service 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.
3. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - a) include appropriate mapping illustrating the land affected by the proposal; and
 - b) amend the explanation of provisions so that the outcomes of the planning proposal will be implemented through a new local LEP clause rather than by amending Clause 4.2 of Tamworth Regional LEP 2010.
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 27 . day of *September* 2013.

**Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Tamworth Regional Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_TAMWO_007_00	Planning proposal to amend Tamworth Regional LEP 2010 to permit boundary adjustments affecting lots zoned RU1 Primary Production or RU4 Primary Production Small Lots where one or more lots are below the minimum lot size.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 27th September 2013



Stephen Murray
Regional Director
Northern Region
Planning Operations & Regional Delivery
Department of Planning and Infrastructure