



Office of the Director General

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

Contact: Jon Stone
Phone: (02) 6701 9689
Fax: (02) 6701 9690
Email: Jon.Stone@planning.nsw.gov.au
Postal: PO Box 550, Tamworth NSW 2340

Our ref: PP_2013_TAMWO_002_00 (13/01214)
Your ref: MP/AS SF5772

Dear Mr Bennett,

**Planning proposal to amend Tamworth Regional Local Environmental Plan 2010
(Amendment 4)**

I am writing in response to Council's letter dated 7 January 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 rezone certain land at West Tamworth to R1 General Residential and B1 Neighbourhood Centre, amend the minimum lot size for certain land and reclassify land from 'community land' to 'operational land'.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are of minor significance. In regards to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land used for public purposes. No further approval is required in relation to these Directions.


Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's Practice Note *PN09-003, Classification and reclassification of public land through a local environmental 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 for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 22/2/2013.

Gateway Determination

Planning proposal (Department Ref: PP_2013_TAMWO_002_00): to make various amendments to the Tamworth Regional Local Environmental Plan 2010

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 (LEP) 2010 to rezone certain land at West Tamworth to R1 General Residential and B1 Neighbourhood Centre, amend the minimum lot size for certain land and reclassify land from 'community land' to 'operational land' should proceed subject to the following conditions:

1. Council has identified that additional information regarding flora and fauna, flood prone land and archaeological analysis is being prepared to support the planning proposal. Council is to place this additional information on public exhibition with the planning proposal. The Coledale Revitalisation Strategy and Coledale Master Plan should also be placed on public exhibition with the planning proposal.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
3. Council is to consult with the Crown Lands Division regarding the reduction of land used for public purposes. Council is to amend the planning proposal, if necessary, to take into consideration additional information received, prior to undertaking public exhibition.
4. 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 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Primary Industries (Crown Lands Division)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.



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

Dated 22nd day of February, 2013.


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