

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

Dear Mr Bennett

Planning Proposal PP_TAMW_003_00 to amend Council 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 25 January 2018 in respect of the Planning Proposal to reduce the existing minimum lot size for part of a *R5 Large Lot Residential* area on part of Lot 18, DP 1199163, Oakland Drive, Nemingha from 2 hectares to 1 hectare.

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 inconsistency with Section 117 Direction 5.10 Implementation of Regional Plans is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 4.4 Planning for Bushfire Protection. 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 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 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.

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 Ms Melissa Thomson to assist you. Ms Thomson can be contacted on (02) 6701 9686.

Yours sincerely



15-2-2018

Jeremy Gray
Director Regions, Northern
Planning Services

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

Gateway Determination

Planning Proposal (Department Ref: PP_2018_TAMW_003_00): to reduce the existing minimum lot size for part of a R5 Large Lot Residential area on part of Lot 18, DP 1199163, Oakland Drive, Nemingha from 2 hectares to 1 hectare.

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 Council Local Environmental Plan (LEP) (2010) to reduce the existing minimum lot size for part of a R5 Large Lot Residential area on part of Lot 18, DP 1199163, Oakland Drive, Nemingha from 2 hectares to 1 hectare subject to the following conditions:

1. Prior to community or agency consultation, the planning proposal is to be amended to:
 - (a) include an amended minimum lot size map which removes all Zone E3 Environmental Management land from the area proposed to have an amended minimum lot size;
 - (b) amend the discussion relating to s117 Direction 5.1 to correctly refer to 5.10; and
 - (c) update Part 6 'Project Timeline' to correctly reflect the Gateway determination date.
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).
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and to comply with the requirements of relevant Section 117 Directions:
 - NSW Department of Primary Industries – Water
 - Office of Environment and Heritage
 - NSW Rural Fire Service



Planning & Environment

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.

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 15 day February of 2018.

Jeremy Gray
Director Regions, Northern
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* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2018_TAMW_003_00	Planning proposal to reduce the existing minimum lot size for part of a R5 Large Lot Residential area on part of Lot 18, DP 1199163, Oakland Drive, Nemingha from 2 hectares to 1 hectare.

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 15 February 2018

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

**Delegate of the Secretary
of the Department of Planning and Environment**

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_2018_TAMW_003_00
Date Sent to DP&E under s56	25 January 2018
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	15-2-2018

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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: