



Department of Planning, Housing and Infrastructure

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

Our ref: IRF24/2882

Via email: m.gillogly@tamworth.nsw.gov.au
trc@tamworth.nsw.gov.au

Dear Mr Bennett

Planning proposal PP-2024-2541 to amend Tamworth Regional Local Environmental Plan 2010

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to permit secondary dwellings with consent on certain lands zoned RU1 Primary Production and RU4 Primary Production Small Lots.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act, Directions 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding and 9.2 Rural Lands are minor or justified. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act, Direction 4.3 Planning for Bushfire Protection and 5.3 Development Near Regulated Airports and Defence Airfields. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before nine months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible and by no later than 31 March 2025 as specified in the Gateway determination conditions. If exhibition has not commenced by this date, and in accordance with the timeframes contained in the Department's LEP Plan Making Guidelines, consideration will need to be given on whether it is appropriate that the proposal continues or should be discontinued until the proposal is ready to proceed.

Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Jon Stone to assist you. Mr Stone can be contacted on 5778 1488.

Yours sincerely



18/12/24

Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support

Encl: Gateway determination