

Mr Paul Bennett  
General Manager  
Tamworth Regional Council  
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TAMWORTH NSW 2340

Our ref: IRF24/920

Via email: [trc@tamworth.nsw.gov.au](mailto:trc@tamworth.nsw.gov.au)  
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Dear Mr Bennett

**Planning proposal 2024-673 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) and additional information in respect of the planning proposal to undertake Tamworth Regional Local Environmental Plan 2010 – Housekeeping Amendments 2024 – Phase 1.

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 4.1 Flooding, 5.4 Shooting Ranges, 6.1 Residential Zones, 7.1 Employment Zones, 9.1 Rural Zones and 9.2 Rural Lands is justified in accordance with the terms of the Direction. No further approval is required in relation to these 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 3.2 Heritage Conservation, 4.3 Planning for Bushfire Protection and 4.4 Remediation of Contaminated Land. 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.

It should be noted that the Gateway determination requires Chapter 11 Insert a new “Scenic Protection Areas” Clause to be removed from the proposal prior to agency and community consultation. Whilst the importance of these areas is acknowledged, the justification for their extent and the potential impact they may have would be more appropriately considered through further detailed investigation and community consultation during the later phases of Council’s housekeeping review. The Department is happy to work with Council at that time to further investigate this issue.

The proposed local environmental plan (LEP) is to be finalised on or before 9 months of the Gateway determination date. Council should aim to commence the exhibition of the planning proposal as soon as possible. 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



27/05/2024

**Jeremy Gray**  
**Director Hunter and Northern Region**  
**Local Planning and Council Support**

Encl: Gateway determination