

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-4286): to amend zoning, minimum lot size, floor space ratio, dwelling density and restricted lot yield development controls for the Arcadia Estate, Tamworth.***

I, the Regional Director, Northern at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Tamworth Regional Local Environmental Plan (LEP) 2010 to amend zoning, minimum lot size, floor space ratio, dwelling density and restricted lot yield development controls for the Arcadia Estate, Tamworth should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the proposal is to be amended to address the following:
  - (a) update the planning proposal to recognise the intention to exhibit the relevant DCP and planning proposal concurrently;
  - (b) include reference to section of the DCP that contains proposed Aboriginal cultural heritage mitigation measures identified in the Envirofactor 2015 report;
  - (c) address the potential for an increased risk of land use conflict resulting from the increased density outlined by the proposal in particular to the Southern Bypass and identify any mitigation to manage this risk;
  - (d) Amend the Economic Demand Study to:
    - (i) justify the quantity of land required to deliver the gross leasable area;
    - (ii) review the impacts of the proposal in relation to the wider Tamworth central business district (CBD) and how the proposed B1 Neighbourhood Centre zone contributes to the strength of the regional economy;
    - (iii) address specific requirements of New England North West Regional Plan 2036 Appendix A – Interim Settlement Planning Principles, as relevant to the Economic Demand Study;
    - (iv) review the proposed mix of uses and justify the proposed size of the B1 zone, demonstrating that there are no adverse impacts to the existing Tamworth CBD;
    - (v) discuss the likelihood and timing of a retail centre in Hillvue and adjust requirements for the subject lands accordingly.
  - (e) address proposed servicing of the release area, particularly in light of the increased density on site through preparation of a servicing strategy to support the proposal;

- (f) address specific requirements of Appendix A – Interim Settlement Planning Principles, as relevant to the wider release area;
- (g) prepare a Traffic Impact Statement that considers the impact of the proposal on adjoining road networks;
- (h) demonstrate the nature of flood prone land relative to the subject lands on a map and provide information in the documentation that clearly outlines the proposed use of this land.

The amended planning proposal shall be submitted to the Planning Secretary for review and approval, prior to public exhibition under condition 2.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (i) the planning proposal must be made publicly available for a minimum of **28 days**; and
- (j) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Heritage NSW;
- Transport for NSW;
- Biodiversity Conservation Division;
- Tamworth Local Aboriginal Land Council;
- Natural Resource Access Regulator;
- Essential Energy;
- NSW Police Force;
- Fire and Rescue NSW;
- NSW Ambulance;
- Hunter New England Health;
- Department of Education;
- Transgrid; and
- NSW Office of Water.

Each public authority/organisation 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 3.34(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 time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 5 day of August 2021.

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**