

## Gateway Determination

***Planning proposal (Department Ref: PP-2021-7149): to rezone and amend associated development controls and introduce dwelling density and restricted lot yield development controls for part of Stratheden, corner of Manilla Road and Browns Lane, Tamworth***

I, the Acting Director, Northern Region, at the Department of Planning 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 Local Environmental Plan (LEP) 2010 to rezone and amend associated development controls and introduce dwelling density and restricted lot yield development controls for part of Stratheden, Manilla Road, Tamworth should proceed subject to the following conditions:

1. Prior to agency and community consultation:
  - (a) the planning proposal is to be amended to:
    - (i) update the proposed land zoning and minimum lot size (MLS) maps to include Browns Lane within the new proposed zone and MLS;
    - (ii) remove the reference to the land being incorrectly mapped in a draft report as State Significant Agricultural Land (SSAL);
    - (iii) address the specific requirements of the New England North West Regional Plan 2036, Appendix A - Interim Settlement Planning Principles to include a more detailed discussion;
    - (iv) include a discussion on the proposal's consistency with the draft New England North West Regional Plan 2041;
    - (v) discuss any potential impacts on the current water supply for the city of Tamworth;
    - (vi) address the potential for an increased risk of land use conflict resulting from agricultural land, and mitigation to manage this risk;
    - (vii) amend the rezoning footprint if required to be located fully outside the existing sewage treatment plant buffer identified under Tamworth Regional LEP 2010; and
    - (viii) include the recommendations of the reports required by subclause (b) (i)-(vi).
  - (b) prepare the following reports which accurately reflect the zoning layout:
    - (i) Traffic Impact Assessment;
    - (ii) Ecological Assessment;
    - (iii) Aboriginal Cultural Heritage Assessment;

- (iv) Odour Impact Assessment (associated with the adjoining sewage treatment plant);
  - (v) Servicing Strategy; and
  - (vi) Preliminary Contamination Assessment.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning, Industry and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
  - (b) 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 Local Environmental Plan-Making Guidelines (Department of Planning, Industry and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Natural Resource Access Regulator
  - NSW Department of Education
  - NSW Biodiversity and Conservation Division
  - Department of Primary Industries
  - Transport for NSW
  - Hunter New England Health
  - NSW Police
  - NSW Ambulance
  - NSW Fire and Rescue
  - NSW Department of Justice
  - Heritage NSW
  - Water NSW
  - Mining, Exploration and Geoscience
  - Essential Energy
  - Transgrid
  - Tamworth Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 24 September 2022.

Dated 24 day of December 2021.



**Craig Diss**  
**Acting Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

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