

Gateway Determination

Planning proposal (Department Ref: PP-2023-2140): Schedule 1 amendment to Tumbarumba LEP 2010 to permit 'centre-based childcare facility' at Lots 17 and 18, Section 9, DP 759003, Tumbarumba.

I, the Acting Director, Western 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 Tumbarumba Local Environmental Plan 2010 to permit a 'centre-based childcare facility' should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 20 September 2024.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) Further justify Council's preference for the amendment to Schedule 1 instead of amending the Land Use Table relating to zone RE1 Public Recreation.
 - (b) Include Part 4 – Maps and Part 6 – Project Timeline as per the Local Environmental Plan Making Guideline (August 2023).
 - (c) Confirm that the subject site is to be included in the Additional Permitted Uses Map.
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 Guideline (Department of Planning and Environment, 2023) 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 a public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in the Local Environmental Plan Making Guideline (Department of Planning and Environment, 2023)

3. Consultation is required with DPE – Biodiversity, Conservation and Science Directorate under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act.

DPE – Biodiversity, Conservation and Science Directorate is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal. This agency consultation can be undertaken concurrently with public exhibition.

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).

Dated 10 November 2023



Jessica Holland
Acting Director, Western Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces