

Gateway Determination

Planning proposal (Department Ref: PP-2024-2541): to permit secondary dwellings with consent on certain lands zoned RU1 Primary Production and RU4 Primary Production Small Lots.

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, 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 2024 to permit secondary dwellings with consent on certain lands zoned RU1 Primary Production and RU4 Primary Production Small Lots should proceed subject to the following Gateway 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 nine months of the Gateway determination date.

Gateway Conditions

1. Prior to community consultation, the planning proposal is to be:
 - (a) updated to include maps of the areas where secondary dwellings are proposed to be permitted with consent; and
 - (b) revised to apply to the lands that Council, in consultation with the Department of Primary Industries and Regional Development, has identified as potentially suitable for secondary dwellings and where the risk of increased land use conflict with agricultural industries is less likely, if the boundary of the proposed Namoi Regional Job Precinct has not been determined before exhibition of the planning proposal is due to commence.
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, August 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 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 Guideline (Department of Planning and Environment, August 2023).

Exhibition must commence by no later than 31 March 2025.

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 Act:
 - Department of Primary Industries and Regional Development – Agriculture
 - Department of Primary Industries and Regional Development - Regional Growth, NSW Development Corporation
 - NSW Environment Protection Authority
 - NSW Rural Fire Service
 - The operator of the Tamworth Regional Airport
 - Civil Aviation Safety Authority
 - Airservices Australia

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).

Dated 18 December 2024



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces