

Gateway Determination

Planning proposal (Department Ref: PP-2024-673): Housekeeping Amendments 2024 – Phase 1

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 2010 to undertake housekeeping amendments – phase 1 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 9 months of the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation the planning proposal is to be amended to:
 - remove the proposed change to clause 4.2C in Chapter 6;
 - remove Chapter 11 Insert a new “Scenic Protection Area” clause;
 - update the proposed land zoning, minimum lot size and floor space ratio maps to show both the current planning controls and the proposed future planning controls for each site;
 - remove the reference to the Manilla Viaduct in Table 4; and
 - include discussion on the outcomes of the contamination, traffic, biodiversity and Aboriginal heritage studies supporting the rezoning of Lot 777 DP 1158251, 783 Manilla Road, Oxley Vale.
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).
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:
- Heritage NSW
 - Airservices Australia
 - Civil Aviation Safety Authority
 - Transport for NSW
 - DPI Agriculture
 - NSW Rural Fire Service
 - NSW Biodiversity Conservation and Science Group
 - NSW Environment Protection Authority
 - Nungaroo Local Aboriginal Land Council
 - 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).

Dated 27 May 2024



Jeremy Gray
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