

Gateway Determination

Planning proposal (Department Ref: PP-2025-55): to rezone Lot 8 DP 715173 and Lot 42 DP 1095984, Coldstream Road, Tyndale from RU2 Rural Landscape to E4 General Industrial and amend the minimum lot size.

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 Clarence Valley Local Environmental Plan 2011 to rezone Lot 8 DP 715173 and Lot 42 DP 1095984, Coldstream Road, Tyndale from RU2 Rural Landscape to E4 General Industrial and amend the minimum lot size should proceed subject to the following:

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 Gateway determination date.

Gateway Conditions

1. Prior to agency and community consultation:

- (a) the planning proposal is to be updated to:
 - (i) correct the property description error on page 4 relating to Lot 8 DP 715173;
 - (ii) include existing and proposed Land Zoning and Lot Size Maps;
 - (iii) correct the error on page 10 relating to the Clarence Valley Local Flood Emergency Sub Plan - SES Locality Response Arrangements, with Tyndale being located in the Maclean, not the Brushgrove Sector;
 - (iv) include a detailed timeline to align with the LEP Making Guideline and reflect the timeframe provided; and
 - (v) address the outcomes and recommendations of the documents required by condition 1 (b).
- (b) update the following documents to include Lot 42 DP 1095984:
 - (i) AHIMS search;
 - (ii) Stage 1 Contamination Assessment; and
 - (vi) Preliminary Effluent Report.
- (c) Update the table on page 2 of the Floodplain Management & Impact Assessment to correct the percentage of the land affected by the PMF event.

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:
- Department of Climate Change, Energy, the Environment and Water – Biodiversity
 - Department of Climate Change, Energy, the Environment and Water – Floodplain Management
 - Department of Primary Industries and Regional Development – Agriculture
 - NSW Rural Fire Service
 - Yaegl Local Aboriginal Land Council
 - Transport for NSW
 - NSW State Emergency Service
- 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 25 September 2025



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