

## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_YASSV\_006\_00):** to adjust the zone and minimum lot size boundaries at 'Kyeema', 4078 Gundaroo Road, Gundaroo

I, the Director, Southern Region at the Department of Planning, Industry 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 Yass Valley Local Environmental Plan (LEP) 2013 to adjust zone and minimum lot size boundaries at 'Kyeema', 4078 Gundaroo Road, Gundaroo should proceed subject to the following conditions:

1. The planning proposal is to be amended **prior to community consultation and consultation with public authorities** to;
  - a. include a diagram showing both the proposed/existing zones overlaid with the categories of 1% Annual Exceedance Probability (AEP) flood hazard (i.e. floodway, flood storage and flood fringe) and the probable maximum flood affecting the site from the Gundaroo Floodplain Risk Management Study and Plan endorsed by Council.
  - b. Identify the 1% AEP flood level on Figures 5 and 6.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - DPIE Biodiversity and Conservation and Flood units
  - NSW Heritage
  - Transport for NSW

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 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 time frame for completing the LEP is to be **12 months** following the date of the Gateway determination expiring on 18 December 2021.

Dated 18<sup>th</sup> day of December 2020.



**Sarah Lees**  
**Director, Southern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

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