

Gateway Determination

Planning proposal (Department Ref: PP-2022-2114): to rezone 74 hectares of rural zoned land at 56 Hilldowns Road, Kalkite to enable urban development.

I, Daniel Thompson the Director, Southern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Snowy River Local Environmental Plan 2013 as described above should proceed subject to the following conditions:

1. An assessment of the environmental constraints of the land is to be undertaken in accordance with the Biodiversity Assessment Method 2020 including targeted surveys for threatened flora and fauna. These surveys should be undertaken in consultation with the Department of Planning and Environment - Biodiversity and Conservation Division.
2. The planning proposal is to be revised to include the outcomes of the additional studies and updated to reflect the draft Snowy Monaro Settlement Strategy and provided to the Department for review and approval prior to exhibition.
3. 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 complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
4. 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 EP&A Act:
 - Biodiversity and Conservation Division of the Department of Planning and Environment
 - NSW Rural Fire Service
 - Transport for NSW
 - Heritage NSW
 - Snowy Hydro

Consultation is also required with the following:

- Local Aboriginal Land Council

Each public authority and the Land Council 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 21 days to comment on the proposal.

5. 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 EP&A 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).
6. The Council as planning proposal authority planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The LEP should be completed within 12 months or by the 9th December 2023.

Dated 9th day of December 2022.



Daniel Thompson
Director, Southern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning