

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-2454):** Zone and minimum lot size change at 344, 375 & 387 Molkentin Road and 111 & 167 Funk Road, Jindera

I, the Director, Western Region at the Department of Planning 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 Greater Hume Local Environmental Plan 2012 to rezone the land to zone R5 Large Lot Residential and reduce the minimum lot size of the subject area to 2 hectares should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) amend the Project Timeline to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in nine (9) months,
  - (b) include an indicative staging plan to manage land use change and the release of residential land in an orderly and economic manner,
  - (c) include Council's response dated 1 March 2023 to the Department's Request for Further Information, as part of the exhibited planning proposal,
  - (d) given the potential for contamination on site, a preliminary contamination assessment is required to be undertaken.
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, 2022) and must be made publicly available for a minimum of 20 business 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, 2022).
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:
  - (a) NSW Rural Fire Service, noting the presence of bushfire prone land within the subject area,
  - (b) Biodiversity Conservation and Science Directorate (BCD) regarding flooding and the impact of development to existing biodiversity value within the subject area and to adjacent land zoned C4 Environmental Living, and
  - (c) Albury City Council as the subject area adjoins the local government boundary.

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 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 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.
6. The LEP should be completed within nine (9) months from the date of the Gateway determination.

Dated 23<sup>rd</sup> day of May 2023.

A handwritten signature in black ink, appearing to read 'G P Hopkins', with a stylized, cursive script.

**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**

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