

Gateway Determination

Planning proposal (Department Ref: PP-2023-1505): to rezone 44 Middle Arm Road, Goulburn to R2 Low Density Residential and RE1 Public Recreation to enable subdivision of the land for residential development.

I, the Acting Director, Southern, Western and Macarthur 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 Goulburn Mulwaree Local Environmental Plan 2009 as described above should proceed subject to the following conditions:

Gateway Conditions

1. Prior to exhibition the planning proposal, and relevant sections of the Flood Impact Risk Assessment (FIRA) and Biodiversity Assessment Report (BDAR), are to be updated to:
 - (a) include an assessment of the consistency of the planning proposal with the Draft South East and Tablelands Regional Plan 2041.
 - (b) include the site-survey data gleaned from the botanical spot surveys/botanical random meander as shown in Figure 5 of the BDAR.
 - (c) provide clarity regarding pre and post development flood behaviour and its impact on residential lots. Figure 22 of the FIRA should be updated accordingly.
 - (d) include further information regarding flood warning times and duration of isolation events.
2. Prior to exhibition, consultation on the planning proposal is required with Rural Fire Service (RFS) as required by Section 9.1 Direction 4.3 Planning for bushfire protection.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (e) 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
 - (f) 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).
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 Act:

- The Department of Climate Change, Energy, the Environment and Water (Flooding and Biodiversity and Conservation)
- NSW Rural Fire Service;
- State Emergency Service;
- Water NSW; and
- Endeavour Energy.

Consultation is also required with the following organisations:

- East Australian Pipeline Pty Limited and Gorodok Pty Ltd (APA)

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal or by other means and given at least 30 working 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 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 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.
7. The LEP should be completed on or before 23 July 2025.

Dated 23 July 2024



Chantelle Chow
Acting Director, Southern, Western and
Macarthur
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces