

Gateway Determination

Planning proposal (Department Ref: PP_2018_WAGGA_002_00): to amend the Wagga Wagga LEP 2010 to change the minimum lot size applying to Lot 2 DP 1046774, Butterbush Road, Lake Albert from 8 hectares to 4 hectares.

I, the Director Regions, Southern 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 Wagga Wagga Local Environmental Plan (LEP) 2010 to amend the minimum lot size applying to Lot 2 DP 1046774, Butterbush Road, Lake Albert from 8 hectares to 4 hectares should proceed subject to the following conditions:

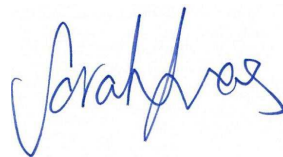
1. The planning proposal is to be amended prior to community consultation to apply a 4 hectare minimum lot size to all land along Butterbush Road to recognise the existing subdivision pattern of the area.

This condition applies to the following land: Lots 1 – 10 DP 1133430, Lots 1 – 6 DP 1066491, Lots 1 – 4 DP 1017682 and Lot 1 DP 789530.

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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the Commonwealth Department of Infrastructure, Regional Development and Cities (Aviation) under section 3.34(2)(d) of the Act. The Commonwealth Department of Infrastructure, Regional Development and Cities (Aviation) 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.

Dated 8th day of June 2018.



Sarah Lees
Director Regions, Southern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning