

Gateway Determination

Planning proposal (Department Ref: PP_2019_WAGGA_004_00): to reduce the minimum lot size applying to certain land in Lake Albert from 2 hectares to 0.15 hectares.

I, the Director Regions, Southern 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 Wagga Wagga Local Environmental Plan (LEP) 2010 to reduce the minimum lot size applying to land in Lake Albert from 2 hectares to 0.15 hectares should proceed subject to the following conditions:

1. The planning proposal is to be revised, prior to public consultation to:
 - a. Demonstrate compliance with Council's final strategic land use planning framework.
 - b. Demonstrate compliance with Section 9.1 Direction 4.3 Flood Prone Land.
2. A revised planning proposal is required to be submitted to the Department for consideration prior to public consultation.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning 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).
4. Consultation is required with the Office of Environment and Heritage (Floodplain Management) under section 3.34(2)(d) of the Act. The Office of Environment and Heritage (Floodplain Management) 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.
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 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.
7. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 13th day of May 2019.



Ben Eveleigh
Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning
and Public Spaces