

Gateway Determination

Planning proposal (Department Ref: PP_2020_WAGGA_004_00): to amend the minimum lot size from 2 hectares to a mix of 1500m², 2000m², 3000m² and 4000m² on lots bounded by Silverwood, Birch, Mitchell & Brunskill Roads, Wagga Wagga.

I, Director, Western Region at the Department of Planning, Industry 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 amend the minimum lot size for land bounded by Silverwood, Birch, Mitchell & Brunskill Roads, Wagga Wagga should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the following is required:
 - a. Update the planning proposal to include section 9.1 Direction 2.6 Remediation of Contaminated Land.
 - b. Document options considered for achieving the lot size mix and justify Council's preferred approach of including different lot sizes on the LEP lot size map.
 - c. Consultation with Wagga Wagga Airport, Civil Aviation and Safety Authority (CASA) and Commonwealth Department of Defence to address section 9.1 Direction 3.5 Development Near Regulated Airports and Defence Airfields
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 is not classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. 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).

4. 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 and
 - (b) there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 16th day of September 2020



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

Delegate of the Minister for Planning
and Public Spaces