



Contact: Graham Judge
Phone: (02) 6229 7900
Fax: (02) 6229 7901
Email: Graham.Judge@planning.nsw.gov.au
Postal: PO Box 1814, Queanbeyan NSW 2620

Our ref: PP_2011_WAGGA_001_00 (10/03634-1)

The Hon Pam Allan
Chair
Southern Region Joint Planning Panel
GPO Box 3415
SYDNEY NSW 2001

Dear Ms Allan,

Re: Planning Proposal to rezone certain land at Cartwright Hill and Estella and to apply appropriate minimum lot sizes to the subject land under Wagga Wagga Local Environmental Plan (LEP) 2010.

I am writing in response to Wagga Wagga City Council's letter dated 12 May 2011 and prepared on behalf of then Wagga Wagga Interim Joint Planning Panel requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 to rezone land at Cartwright Hill from 1 Rural, 2 Residential, 3 Business, 5 Special Uses (Community Building) and 6 Open Space to R5 Large Lot Residential Zone with a 1ha minimum lot size (MLS), RU6 Transition Zone with a 200 ha MLS, SP2 Infrastructure Zone and IN1 General Industrial Zone with no MLS and to rezone land at Estella from 1 Rural Zone to R5 Large Lot Residential with a 1,000m² MLS.

As you are aware the Southern Region Joint Planning Panel ("the Panel") is now the relevant planning authority for this planning proposal by virtue of clause 291B of the Environmental Planning and Assessment Regulation 2000.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the variations required in the conditions in the attached Gateway Determination.

The Panel is to arrange for Council to revise the planning proposal to rezone Lots 3 and 4 DP 730383 as IN2 Light Industrial (no minimum lot size) due to the proximity of these sites to the existing Bomen Industrial Area. This alternative zoning will reduce the potential for further residential subdivision in this area and provide an increased buffer between the industrial area and future residential development. Zoning these lots IN2 Light Industrial will also reduce the potential for future land use conflict between established and future uses. It is recommended that the Panel arrange the Council to advise the affected landowner/s of this amendment.

It is understood that there has been a significant volume of background information provided to support this planning proposal. The Panel should arrange for the Council to make this information available during public exhibition to ensure the community is able to understand the key strategic planning principles that underpin the proposed zoning and minimum lot size requirements. When Council is preparing information for the exhibition of the planning proposal on behalf of the Panel it is to ensure that the material is clear, easy to understand, and that it is written in such a way as to make the intent and outcomes of the planning proposal clear.

In addition to the written material for exhibition, the Panel is to arrange for the preparation of an explanation of the intent and explanation of the planning proposal through Strategic Land Use Planning Principles. The principles should clearly identify and explain in a plain English manner

the strategic principles which have been applied in arriving at the preferred planning proposal outcomes. In addition the Cartwright Hill area proposed to be rezoned RU6 Transition Zone is to be clearly shown on a map with an annotation which explains that the area has been zoned for this purpose to provide a buffer between adjoining large lot residential uses and the Bomen Industrial Area. This information will provide an increased level of understanding for the community reviewing the planning proposal. The Panel is to arrange for Council is to provide this information to the Regional Director, Southern Region prior to the commencement of community consultation.

It is acknowledged that significant consultation has already occurred in relation to this the proposal and that this consultation has resulted in a number of submissions being made. Notwithstanding this, the Department believes there is still merit in placing the proposal on exhibition for a minimum of 28 days to provide all affected and interested landowners with an opportunity to consider the implications of the final preferred zoning outcome. The Panel is therefore encouraged to request that Council advise all previous submitters of the details of the revised plan during exhibition.

It is noted that the land description for the Estella property is incorrectly identified as part Lot 730 DP 1138147. The correct lot description is part Lot 799 DP 1150062. The Panel is requested to review all material associated with the planning proposal to ensure that this error is corrected prior to exhibition commencing.

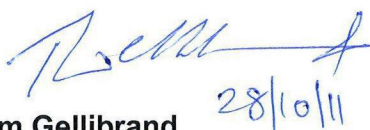
The Director General's delegate has also agreed that the planning proposal's inconsistencies with s.117 Directions 1.2 Rural Zones, 1.5 Rural Lands, and 3.1 Residential Zones, are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan is to be finalised within 9 months of the week following the date of the Gateway Determination. The Panel should aim to submit the proposed exhibition material to the Regional Director, Southern Region for consideration and endorsement within four (4) weeks from the week following this determination. The Panel's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Brett Whitworth, Regional Director, Southern Region of the Department on 02 4224 9450.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with the date '28/10/11' written below it.

Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal

CC: Mr Phil Pinyon, General Manager, Wagga Wagga City Council

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WAGGA_001_00): to rezone certain land at Cartwright Hill and Estella and to apply appropriate minimum lot sizes to the subject land under Wagga Wagga Local Environmental Plan 2010..

I, the Deputy Director General, Plan Making and Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), that an amendment to the Wagga Wagga Local Environmental Plan (LEP) 2010 to rezone land at Cartwright Hill from 1 Rural, 2 Residential, 3 Business, 5 Special Uses (Community Building) and 6 Open Space to R5 Large Lot Residential Zone with a 1ha minimum lot size (MLS), RU6 Transition Zone with a 200 ha MLS, SP2 Infrastructure Zone and IN1 General Industrial Zone with no MLS and to rezone land at Estella from 1 Rural Zone to R5 Large Lot Residential with a 1,000m2 MLS should proceed subject to the following conditions:

1. The planning proposal is to be amended to rezone Lots 3 and 4 DP 730383 as IN2 Light Industrial with no minimum lot size identified.
2. The Southern Region Joint Planning Panel (the Panel) is to prepare an explanation and Strategic Land Use Planning Principles which clearly identifies and explains in a simple and plain English manner the strategic principles which have been applied in arriving at the preferred planning proposal outcomes.
3. The Panel is to submit the Strategic Land Use Planning Principles to the Regional Director, Southern Region prior to the commencement of community consultation. Once endorsed these principles must be included in the exhibition material for the planning proposal.
4. The Panel is to place on public exhibition the odour study prepared by Holmes Air Services (dated 31 January 2008) and the review of this study by PAEHOLMES (dated 13 October 2009).
5. The Panel is to ensure that the material to be placed on public exhibition is prepared and presented in a clear and easy to interpret format and that it clearly demonstrates the intent of the planning proposal. The Panel is to submit a copy of all the proposed exhibition material to the Regional Director, Southern Region prior to the commencement of community consultation.
6. The Panel is to clearly identify through the inclusion of a description on the map the intent of each of the proposed SP2 Infrastructure zoned areas utilising terms that are consistent with the Standard Instrument Order Dictionary and the State Environmental Planning Policy (Infrastructure) 2007.
7. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) The planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage (on both heritage and environmental management related matters for both sites); and
- NSW Roads and Traffic Authority (RTA)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

9. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge the Panel from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

10. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 28th day of October 2011.



Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal
Delegate of the Minister for Planning and
Infrastructure