



**Planning &
Environment**

POSTED
24/9/14

COPY

Mr Phil Pinyon
General Manager
Wagga Wagga City Council
PO Box 20
Wagga Wagga NSW 2650

Attention: Crystal Golden

Dear Mr Pinyon

Planning Proposal PP_2011_WAGGA_002_00 – Gateway Determination Alteration

I refer to your letter of 29 August 2014 seeking an amendment to Planning Proposal PP_2011_WAGGA_002_00 to rectify a number of anomalies and errors with local heritage items in Schedule 5 and the Heritage Map of *Wagga Wagga Local Environmental Plan (LEP) 2010*.

I have determined as the delegate of the Minister for Planning, and in accordance with section 56(7) of the *Environmental Planning and Assessment Act, 1979*, to amend the Gateway determination dated 21 November 2011 (as amended 15 August 2014) for Planning Proposal PP_2011_WAGGA_002_00. Please find attached an alteration to the Gateway determination for this revised planning proposal.

Please note that condition 6 of the Gateway Determination requires Council to revise the planning proposal to identify the heritage items to be amended on the Heritage Map prior to community consultation.

Council will be required to undertake community consultation for the revised planning proposal comprising a minimum exhibition period of 28 days. This will include consultation with relevant State agencies.

Council should aim to commence the exhibition of the planning proposal within four weeks from the week following this revised determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's office six weeks prior to the projected publication date.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

If you have any questions in relation to this matter, please contact, Mr Graham Judge of the Department of Planning and Environment's Queanbeyan office on (02) 6229 7906.

Yours sincerely



23/9/14

Linda Davis
Acting General Manager
Southern Region
Housing, Growth and Economics

Encl:

Altered Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2011_WAGGA_002_00)

I, Acting General Manager, Southern Region, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to alter the Gateway Determination dated 21 November 2011 (as since altered) for the proposed amendment to the Wagga Wagga Local Environmental Plan 2010 by:

1. Changing the description of the Planning Proposal

From *"to correct a number of anomalies with 91 heritage items, should proceed subject to the following conditions:"*

to *"to correct a number of anomalies with heritage items, as detailed in the planning proposal dated 29 August 2014, should proceed subject to the following conditions:"*

2. new clause 6

"6. The revised planning proposal must clearly identify all of the heritage items that are to be amended by the revised Heritage Map prior to commencing community consultation."

3. new clause 7

"7. Community consultation is required for the revised planning proposal under sections 56 (2) (c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the revised 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 5.5.2 of 'A guide to preparing local environmental plans' (Department of Planning and Infrastructure 2013).*

4. new clause 8

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

- *Heritage Division, Office of Environment and Heritage*

Each public authority is to be provided with a copy of the revised 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 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.

5. new clause 9

"9. Council is to consult with the Commissioner of the NSW Rural Fire Service on the revised planning proposal prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection."

Dated 23rd day of September 2014.



**Linda Davis
Acting General Manager
Southern Region**

Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wagga Wagga City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2011_WAGGA_002_00	Planning proposal dated 29 August 2014 to correct errors and anomalies in Schedule 5 and the Heritage Map

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 23 / 9 / 2014

Linda Davis
A/General Manager
Southern Region
Delegate of the Minister of Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2011_WAGGA_002_00
Date Sent to Department under s56	29 August 2014 (Altered Gateway)
Date considered at LEP Review Panel	N/A
Gateway determination date	23 September 2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: