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Our ref: PP_2013_WAGGA_002_00 (13/04276-1)

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

Dear Mr Pinyon,

Planning proposal to amend Wagga Wagga Local Environmental Plan 2010

I am writing in response to your Council's letter dated 28 February 2013 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 exclude exempt and complying development from applying to the Lloyd Urban Release Area by amending Clause 3.3 'Environmentally sensitive areas excluded' under Wagga Wagga Local Environmental Plan (LEP) 2010.

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

I understand that on 15 March 2013 Council confirmed that the planning proposal is intended to only exclude complying development within the Lloyd Urban Release Area from the General Housing Code and Rural Housing Code of State Environmental Planning Policy (Exempt and Complying Development) 2008 ('Codes SEPP'). The planning proposal as drafted excludes both exempt and complying development from the Codes SEPP. As the planning proposal does not achieve Council's intended outcome, Council is to amend the planning proposal to identify the Lloyd Urban Release Area as 'environmentally sensitive land' under Wagga Wagga LEP 2010, which will only exclude complying development applying within the release area.

Council is also to ensure that all landowners which are affected by the proposal are consulted with directly as part of the public exhibition of this planning proposal.

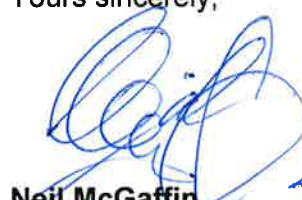
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 s54(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 Graham Judge of the regional office of the Department on 02 6229 7900.

Yours sincerely,



4.4.13.
Neil McGaffin
Executive Director
Rural and Regional Planning

Gateway Determination

Planning proposal (Department Ref: PP_2013_WAGGA_002_00): to exclude exempt and complying development within the Lloyd Urban Release Area.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wagga Wagga Local Environmental Plan (LEP) 2010 to exclude exempt and complying development from applying to the Lloyd Urban Release Area by amending Clause 3.3 'Environmentally sensitive areas excluded' of the LEP should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to identify the Lloyd Urban Release Area as 'environmentally sensitive land' under Wagga Wagga LEP 2010, to achieve Council's intended outcome to only exclude complying development within the release area. Council is to remove reference to amending Clause 3.3 under Wagga Wagga LEP 2010 from the planning proposal and is to update the planning proposal to clearly advise that exempt development will continue to apply within the release area.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2012) and must be made publicly available for a minimum of **14 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 LEPs* (Department of Planning & Infrastructure 2012).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority 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 56(2)(e) of the EP&A 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 timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

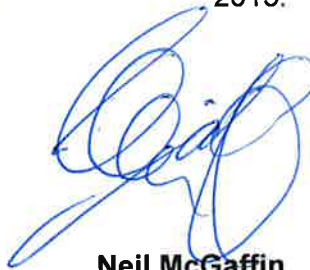
Dated

14

day of

April

2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wagga Wagga City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_WAGGA_002_00	Planning proposal to exclude exempt and complying development from applying to the Lloyd Urban Release Area by amending Clause 3.3 'Environmentally sensitive areas excluded' under Wagga Wagga Local Environmental Plan (LEP) 2010.

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

Dated 4 April 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure