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

Our ref: PP_2012_WAGGA_005_00 (12/0908)
 Your ref:

Dear Mr Pinyon,

Planning proposal to rezone land and amend the minimum lot size for land at Holbrook Road and Dunns Road, Springvale

I am writing in response to your Council's letter dated 17 May 2012 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 part Lot 1 DP 1013392 Holbrook Road, Springvale from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size from 200ha to 2ha;
- rezone part Lot 2 DP 1065108, Dunns Road, Springvale from R5 Large Lot Residential to RU1 Primary Production and change the minimum lot size from 8 ha to 200ha; and
- amend the minimum lot size for part Lot 2 DP 1065108 Dunns Road, Springvale from 8ha to 2ha

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

It is noted that Council has included mapping with the planning proposal as required by section 55(2)(d) of the EP&A Act. Council needs to review the mapping to ensure the substantive effect of the proposed amendments to zoning and minimum lot size is clearly indicated and the land to which the proposed changes are to apply is identified for the purposes of community consultation.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and, prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council'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 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,


Sam Haddad
Director-General

16/6/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_WAGGA_005_00): to rezone land and amend the minimum lot size for land at Holbrook Road and Dunns Road, Springvale

I, the Director General, 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 2010 to:

- rezone part Lot 1 DP 1013392 Holbrook Road, Springvale from RU1 Primary Production to R5 Large Lot Residential and amend the minimum lot size from 200ha to 2ha;
- rezone part Lot 2 DP 1065108, Dunns Road, Springvale from R5 Large Lot Residential to RU1 Primary Production and change the minimum lot size from 8 ha to 200ha; and
- amend the minimum lot size for part Lot 2 DP 1065108 Dunns Road, Springvale from 8ha to 2ha

should proceed subject to the following conditions:

1. 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 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Department of Primary Industries - Agriculture

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.
3. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and, prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
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 **9 months** from the week following the date of the Gateway determination.

Dated

16th

day of

June

2012.

Sam Haddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure