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Our ref: PP_2012_WAGGA_004_00 (12/07072-1)

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

Dear Mr Pinyon,

Planning proposal to rezone Lot 1 DP 164653, 335 Hammond Ave, Wagga Wagga from RU1 Primary Production to IN2 Light Industrial

I am writing in response to your Council's letter 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 Lot 1 DP 164653, 335 Hammond Ave, Wagga Wagga from RU1 Primary Production to IN2 Light Industrial.

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.

I have agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

It is noted that the subject land is classed as vegetation category 1 and is therefore bushfire prone and inconsistent with S117 Direction 4.4 Planning for Bushfire Protection. Therefore, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation. Council is to take into account any comments made, amend the planning proposal (if necessary), and forward a copy of the revised planning proposal to the Department's Regional Office.

It is noted that the land has previously been used for the agricultural purposes, which is identified as an activity which may cause contamination under State Environmental Planning Policy 55 – Remediation of Land. It is also noted that the proponent considers it highly unlikely that any activities such as ship dipping and other pesticide use would have occurred on the subject land over the last 20 years as the land has predominantly been used for rural residential purposes. Nevertheless, the Department cannot be satisfied at this stage that the land is suitable for the proposed use until potential contamination of the land is investigated in accordance with the SEPP. Council is therefore to undertake a preliminary contamination assessment and identify the outcomes of the assessment in the planning proposal, and provide a copy of the exhibition material to the Department's Regional Office.

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 Meredith McIntyre of the Regional Office of the Department on 02 6229 7912.

Yours sincerely,



Sam Haddad
Director-General

13/6/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_WAGGA_004_00): to rezone Lot 1 DP 164653, 335 Hammond Ave, Wagga Wagga from RU1 Primary Production to IN2 Light Industrial

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 Lot 1 DP 164653, 335 Hammond Ave, Wagga Wagga from RU1 Primary Production to IN2 Light Industrial should proceed subject to the following conditions:

1. In accordance with the requirements of State Environmental Planning Policy 55 – Remediation of Land, Council is to undertake a preliminary contamination assessment and identify the outcomes of the assessment in the planning proposal. Council is to provide a copy of the exhibition material to the Department's Regional Office.
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 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)*.
3. 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
 - Transport for NSW - Roads and Maritime Services

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.

4. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.
5. 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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated 13th day of June 2012.

Sam Haddad

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