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Our ref: PP_2012_WAGGA_006_00 (12/12927)
Your ref:

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 (LEP) 2010

I am writing in response to your Council's letter dated 16 August 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 (LEP) 2010 to reclassify land at Bourke Street, Spring Street, Edward Street, Red Hill Road and Boorooma Street, Wagga Wagga from 'community' to 'operational' land and rezone land at Bourke Street, Wagga Wagga for business purposes.

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.

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, the reduction of land for public purposes is considered acceptable. No further approval is required in relation to this Direction.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's Practice Note 09-003, *Classification and reclassification of public land through a local environmental plan*.

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

30/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WAGGA_006_00): to amend Wagga Wagga Local Environmental Plan (LEP) 2010 to reclassify and rezone certain land.

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 (LEP) 2010 to:

- reclassify part Lot 10 DP 1017384, Bourke Street, Wagga Wagga from 'community' to 'operational' land and to rezone part Lot 10 DP 1017384 and part Lot 10 DP 1165096 from RE1 Public Recreation to B2 Local Centre;
- reclassify Lot 20 DP 22260, Spring Street, Wagga Wagga from 'community' to 'operation land';
- reclassify Lot 4 DP 1012605, Edward Street, Wagga Wagga from 'community' to 'operational' land;
- reclassify Lot 16 DP 835763, Red Hill Road, Wagga Wagga from 'community' to 'operational' land; and
- reclassify Lots 1 and 2 DP 805848, Boorooma Street, Wagga Wagga from 'community' to 'operational' land

should proceed subject to the following conditions:

1. It is noted that Council has identified S117 Direction 2.1 Environmental Protection Zones as applying to the planning proposal. It is considered that the planning proposal is consistent with this direction; Council should amend the planning proposal accordingly to reflect the consistency. No further approval is required.
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 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)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 30th day of August 2012.


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