



## Planning & Environment

Contact: Meredith McIntyre  
Phone: (02) 6229 7912  
Email: [meredith.mcintyre@planning.nsw.gov.au](mailto:meredith.mcintyre@planning.nsw.gov.au)

Mr Alan Eldridge  
General Manager  
Wagga Wagga City Council  
PO Box 20  
Wagga Wagga NSW 2650

Our ref: PP\_2016\_WAGGA\_001\_00 (10/03634-7)  
Your ref: Planning Proposal 2016:01

Attention: Dave McDonald

Dear Mr Eldridge

### Planning proposal to amend Wagga Wagga Local Environmental Plan 2010

I am writing in response to your Council's letter dated 3 November 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at Cartwrights Hill to R5 Large Lot Residential and RU1 Primary Production Zones.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. I have also agreed, as delegate of the Secretary, the planning proposal is not inconsistent with the S117 Directions.

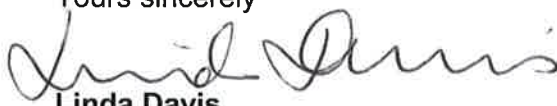
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan (LEP) is to be finalised within 12 months 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment 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 section 54(2)(d) of the Act if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Meredith McIntyre of the Department's regional office to assist you. Meredith can be contacted on (02) 6229 7912.

Yours sincerely



28/11/16

Linda Davis  
Acting Director Regions, Southern  
Planning Services  
Department of Planning and Environment

Encl: Gateway Determination, Written Authorisation to Exercise Delegation and Attachment 5 – Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_WAGGA\_001\_00):** to rezone land and amend lot sizes at Cartwrights Hill.

I, the Acting Director Regions, Southern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wagga Wagga Local Environmental Plan (LEP) 2010 to:

- a) rezone Lot 1 DP 572883, Lot 2 DP 612237 and Lot 10 DP 255059 to R5 Large Lot Residential Zone with a 1 ha minimum lot size; and
- b) rezone Lots 1-4 DP 700660 to RU1 Primary Production Zone with a 200 ha minimum lot size,

should proceed subject to the following conditions:

- 1. Amend the Explanation of Provisions section of the planning proposal prior to proceeding to community consultation to reflect an appropriate amendment to the Land Application Map to remove the deferred matter status from the subject land.
- 2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **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 LEPs (Department of Planning and Environment 2016).
- 3. No consultation is required with public authorities under section 56(2)(d) of the 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 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 LEP maps shall be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment, 2015).
- 6. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 28<sup>th</sup> day of November 2016



Linda Davis  
Acting Director Regions, Southern  
Planning Services  
Department of Planning and Environment  
Delegate of the Minister for Planning

## 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_2016_WAGGA_001_00 | Planning proposal to:<br>a) rezone Lot 1 DP 572883, Lot 2 DP 612237 and Lot 10 DP 255059 to R5 Large Lot Residential Zone with a 1 ha minimum lot size; and<br>b) rezone Lots 1-4 DP 700660 to RU1 Primary Production Zone with a 200 ha minimum lot size |

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 28/11/ 2016



**Linda Davis**  
**Acting Director Regions, Southern**  
**Planning Services**  
**Department of Planning and Environment**