



Office of the Director General

Mr Phil Pinyon
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Our ref: PP_2012_WAGGA_007_00 (12/07068-1)
Your ref:

Dear Mr Pinyon,

Planning proposal to amend Wagga Wagga Local Environmental Plan 2010

I am writing in response to your Council's letter dated 19 September 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 rezone land at Sturt Highway, Gumly Gumly for commercial 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.

It is noted that Council's proposal will prohibit 'commercial premises' which is the group term for 'business premises', 'office premises' and 'retail premises', while making permissible with consent 'business premises' and a range of specific retail uses. The mandated objectives of the B6 Enterprise Corridor Zone include providing a range of employment types, including business, office, retail and light industrial. Council should consider including the term 'office premises' to the land use table to ensure an appropriate range of uses are permitted in keeping with the mandated zone objectives.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land are of minor significance. In regards to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land used for public purposes. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 to meet the 12 month timeframe. 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 NSW 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 7900.

Yours sincerely,



Richard Pearson
A/Director General

2/11/12

Gateway Determination

Planning proposal (Department Ref: PP_2012_WAGGA_007_00): amend Wagga Wagga Local Environmental Plan 2010 to rezone land at Gumly Gumly for commercial purposes.

I, the Acting 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 rezone land at Sturt Highway, Gumly Gumly for commercial purposes should proceed subject to the following conditions:

1. Prior to undertaking public consultation, Council is to amend the planning proposal so that all sheets of the Land Zone Map series includes the B6 Enterprise Corridor Zone in the legend.
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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Murrumbidgee Catchment Management Authority
 - Office of Environment and Heritage
 - 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. 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 **12 months** from the week following the date of the Gateway determination.

Dated

2

day of

November

2012



Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure