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Our ref: PP_2013_WAGGA_004_00 (13/09062)

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 Plan 2010

I am writing in response to your Council's letter dated 22 May 2013 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 rezone land at Sturt Highway, Gumly Gumly from RE1 Public Recreation, B1 Neighbourhood Centre and RU1 Primary Production to B6 Enterprise Corridor and have no minimum lot size applying to the subject land.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands and 3.4 Integrating Land Use and Transport are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purpose on the basis of its ownership and because the land is not identified for acquisition. No further approval is required in relation to these Directions.

Council is to ensure that land owners of the subject land or adjoining land or who own land which may be affected by flooding within the area, are consulted with directly on the timeframe and public exhibition details of the planning proposal.

The Minister delegated his plan making powers to councils 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. While delegation has been issued, Council is to consult with the Office of Environment and Heritage regarding flooding matters and update its consideration of S117 Direction 4.3 Flood Prone Land, prior to undertaking public exhibition.

Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. In this instance, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the plan may proceed under delegation.

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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department 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 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,



Neil McGaffin

Executive Director

Rural and Regional Planning

Planning Operations and Regional Delivery

9.7.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_WAGGA_004_00): to rezone land at Gumly Gumly to B6 Enterprise Corridor and have no minimum lot size apply to the subject land.

I, the Executive Director, Rural and Regional Planning at the 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 from RE1 Public Recreation, B1 Neighbourhood Centre and RU1 Primary Production to B6 Enterprise Corridor and have no minimum lot size applying to the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include:
 - a draft land use table for zone B6 Enterprise Corridor, consistent with the land use table included in planning proposal PP_2012_WAGGA_007_00, which was issued with a Gateway determination on 2 November 2012;
 - sufficient additional information on flooding to justify the proposal's inconsistency with S117 Direction 4.3 Flood Prone Land. Council is to consult with the Office of Environment and Heritage regarding flooding matters and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition; and
 - existing and proposed land zoning and lot size maps, which are at an appropriate scale and clearly identify the subject site.
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 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 & Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to address consistency with relevant S117 Directions:
 - Transport for NSW – Roads and Maritime Services
 - Office of Environment and Heritage (S117 Direction 4.3 Flood Prone Land)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. A copy of public authority submissions received is to be forwarded to the regional office of the department.
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 9th day of July 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wagga Wagga City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_WAGGA_004_00	Planning proposal to rezone land at Sturt Highway, Gumly Gumly from RE1 Public Recreation, B1 Neighbourhood Centre and RU1 Primary Production to B6 Enterprise Corridor and have no minimum lot size applying to the subject land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated

9th July 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WAGGA_004_00
Date Sent to Department under s56	22/05/2013
Date considered at LEP Review Panel	04/07/2013
Gateway determination date	09/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: