

Gateway Determination

Planning Proposal (Department Ref: PP_2017_WAGGA_001_00): to amend the Wagga Wagga Local Environmental Plan 2010 to add an Additional Use in Land Use Table, Minor Mapping Amendments & Schedule 5 Environmental Heritage Amendments.

I, Fatima Abbas, the 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* that an amendment to the Wagga Wagga Local Environmental Plan (LEP) 2010 to amend the Wagga Wagga Local Environmental Plan 2010 to add an additional use in the B4 Mixed Use Land Use Table and rectify a number of minor matters and issues with the Land Use Zone Maps, Minimum Lot Size Maps, Height of Building Map, Floor Space Ratio Map, Heritage Map, Map numbers and Schedule 5 – Environmental Heritage should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the Planning Proposal is to be revised as follows:
 - (a) Prepare a LEP Minimum Lot Size Map amendment to identify a minimum lot size for Lots 228, 230 - 233 DP 757232.
 - (b) Amend the Planning Proposal to identify that Lots 228, 230 - 233 DP 757232 are privately owned land.
 - (c) Amend the Planning Proposal to include Lot 1 DP 805276 in Table 2, Item 1.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and 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 local environmental plans* (Department of Planning and Environment 2016).
3. No consultation is required with public authorities/organisation 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).



Planning & Environment

5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *29th* day of *August* 2017

Fatima Abbas
Director Regions, Southern
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The City of Wagga Wagga 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_2017_WAGGA_001_00	Planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 to add an additional use in a Land Use Table, and undertake minor mapping amendments and schedule 5 environmental heritage amendments. The planning proposal is considered to have merit and should proceed subject to conditions.

In exercising the Minister's functions under Section 59 of the Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated 29 August 2017



Fatima Abbas
Director Regions, Southern
Planning Services
Department of Planning and Environment

Delegate of the Secretary
of the Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_WAGGA_001_00
Date Sent to DP&E under s56	3 August 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:



Mr Robert Knight
General Manager
Wagga Wagga City Council
PO Box 20
WAGGA WAGGA NSW 2650

Attention: Tristian Kell

Dear Mr Knight

Planning Proposal PP_2017_WAGGA_001_00 to amend Wagga Wagga Local Environmental Plan 2010

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal to the Wagga Wagga Local Environmental Plan (LEP) 2010 to amend the Wagga Wagga Local Environmental Plan 2010 to add an additional use in a Land Use Table, and undertake minor mapping amendments and schedule 5 environmental heritage amendments.

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.

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation and reduction of lands for public purposes on the basis that land uses proposed reflect existing land uses. No further approval is required in relation to this Direction and the reclassification of land is not necessary.

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 of 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.

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 time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Haydon Murdoch to assist you. Mr Murdoch can be contacted on 6229 7914.

Yours sincerely



Fatima Abbas 29.8.17
Director Regions, Southern
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template