

Gateway Determination

Planning proposal (Department Ref: PP-2021-2609): Inclusion of 'artisan food and drink industries' in land-use tables for various rural and commercial zones

I, the Director, Western Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wagga Wagga Local Environmental Plan (LEP) 2010 to include 'artisan food and drink industry' as 'permitted with consent' in the land use tables for the following land use zones:

- RU1 Primary Production;
- RU2 Rural Landscape;
- RU4 Primary Production Small Lots;
- B3 Commercial Core; and
- B4 Mixed Use.

should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - Provide discussion on the exclusion of artisan food and drink industry from RU6 Transition, B1 Neighbourhood Centre, B2 Local Centre, B5 Business Development and B6 Enterprise Development zones
 - Provide assessment of the proposal against Section 9.1 Ministerial Direction 2.3 Heritage Conservation, 2.6 Contaminated Lands, 3.1 Residential Zones, 4.3 Flood Prone Land, and 4.4 Planning for Bushfire Protection
2. Prior to agency consultation, the planning proposal is to be revised to address Condition 1 and forwarded to the Department for review and approval.
3. Prior to public exhibition, consultation is required with NSW Rural Fire Service under section 3.34(2)(d) of the Act. NSW Rural Fire Service 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.
4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 27th day of April 2020.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces