PLANNING PROPOSAL

64 Pearson Street, Wagga Wagga

August 2019

Project Number: 19-490

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TABLE OF CONTENTS

PLANNING PROPOSAL 1

SUBJECT LAND, OWNERSHIP AND LOCALITY 1

BASIS OF THE PROPOSAL 3

1 PART 1 OBJECTIVES OR INTENDED OUTCOMES 6

2 PART 2 EXPLANATION OF THE PROVISIONS 7

3 PART 3 JUSTIFICATION 8

3.1 Section A Need for the planning proposal 8

1.1.1. Is the planning proposal a result of any strategic study or report? 8

1.1.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way? 8

1.2. Section B Relationship to strategic planning framework 8

1.2.1. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional, or district plan or strategy (including any exhibited draft plans or strategies)? 8

1.2.2. Is the planning proposal consistent with a council's local strategy or other local strategic plan? 9

1.2.3. Is the planning proposal consistent with applicable State Environmental Planning Policies? 9

1.2.4. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)? 10

1.3. Section C Environmental, Social and Economic impact 11

1.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal? 11

1.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? 11

1.3.3. Has the planning proposal adequately addressed any social and economic effects? 13

1.4. State and Commonwealth interests 13

1.4.1. Is there adequate public infrastructure for the planning proposal? 13

1.4.2. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination? 13

4 PART 4 MAPPING 14

5 PART 5 COMMUNITY CONSULTATION 14

6 PART 6 PROJECT TIMELINE 14

FIGURES

Figure 1: Cadastre image showing the subject land and surrounds (WWCC Online Mapping, 2019) 2

Figure 2: Aerial image identifying the area subject to the Planning Proposal (WWCC Online Mapping, 2019) 3

Figure 3: Pearson Street precinct subject to special provisions under the WWDCP 1986 (WWCC, 1986) 4

Figure 4: Aerial image identifying the area requested to be included in the Planning Proposal (WWCC Online Mapping, 2019) 5

Figure 2-1 Existing land zoning map WWLEP 2010 (WWCC online mapping, 2019) 7

Figure 2-2 Proposed land zoning map WWLEP 2010 (WWCC, 2019) 7

Figure 3-1 Biodiversity Conservation Regulation 2017 Biodiversity Values Map (LMBC, 2019) 11

Figure 3-2 AHIMS sites and Aboriginal Places in proximity of the current proposal area (NGH, 2019) 12

TABLE

Table 1 Subject land and land ownership 1

Table 2 Additional lot identified by Council 2

Table 3-1 Considerations under the Riverina Murray Regional Plan 2036 8

Table 3-2 Considerations under the Wagga Wagga Spatial Plan 2013-2043 9

Table 3-3 Relevant State Environmental Planning Policies 9

Table 3-4 Consideration of Ministerial Directions 10

PLANNING PROPOSAL

This Planning Proposal is prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979.* It seeks to amend the Wagga Wagga Local Environmental Plan 2010 to rezone part of the subject land. The subject land is described as Lot 1 DP798753 and Lot 1 DP 567236 at Pearson Street and Edward Street, Wagga Wagga.

The Planning Proposal has been prepared to seek approval to rezone part of Lot 1 DP798753 from RE1 Public Recreation to B5 Business Development, consistent with the remainder of the site. Additionally, it is proposed to rezone Lot 1 DP567236 from RE1 Public Recreation and B5 Business Development, to SP2 Infrastructure and identify the land use purpose as 'sewerage reticulation system' on the Land Zoning Map.

The Planning Proposal outlines the effect of, and justification for, the changes to existing planning controls and has been drafted in accordance with the relevant guidelines prepared by NSW Planning and Environment (DPE).

The Planning Proposal is supported by evidence consistent with the relevant strategies, State Environmental Planning Policies and the Section 9.1 Ministerial Directions.

Wagga Wagga City Council is the relevant planning authority, pursuant to Section 3.32 of the *Environmental Planning and Assessment Act 1979*.

SUBJECT LAND, OWNERSHIP AND LOCALITY

NGH Environmental acts on behalf of Bunnings Group Limited (NSW/ACT) in the preparation of this Planning Proposal. Bunnings is the proponent of a development proposal for a new business premises on the subject land.

The legal description of the subject lot and land ownership is contained in Table 1 below. As indicated below, the subject land is held in private ownership by Steven Limberger.

Table 1 Subject land and land ownership

Subject land	***Landholder***
Lot 1 DP798753 – 64 Pearson Street	Steven Limberger

The subject land is located on the corner of the Sturt Highway and Pearson Street, at the western gateway to the City of Wagga Wagga. It is located within the Dobney Avenue business/industrial precinct and is approximately 2.5km west of the Central Business District (CBD). This land and its location is shown in Figure 1 on the following page.

The subject land has been utilised for industrial purposes since approximately 1971, when a brick making factory was established upon the site. The factory and ancillary components remain upon the land, though, is no longer in operation. The land is presently used for the retailing and wholesale of bricks and pavers under the operations of Rivcrete.

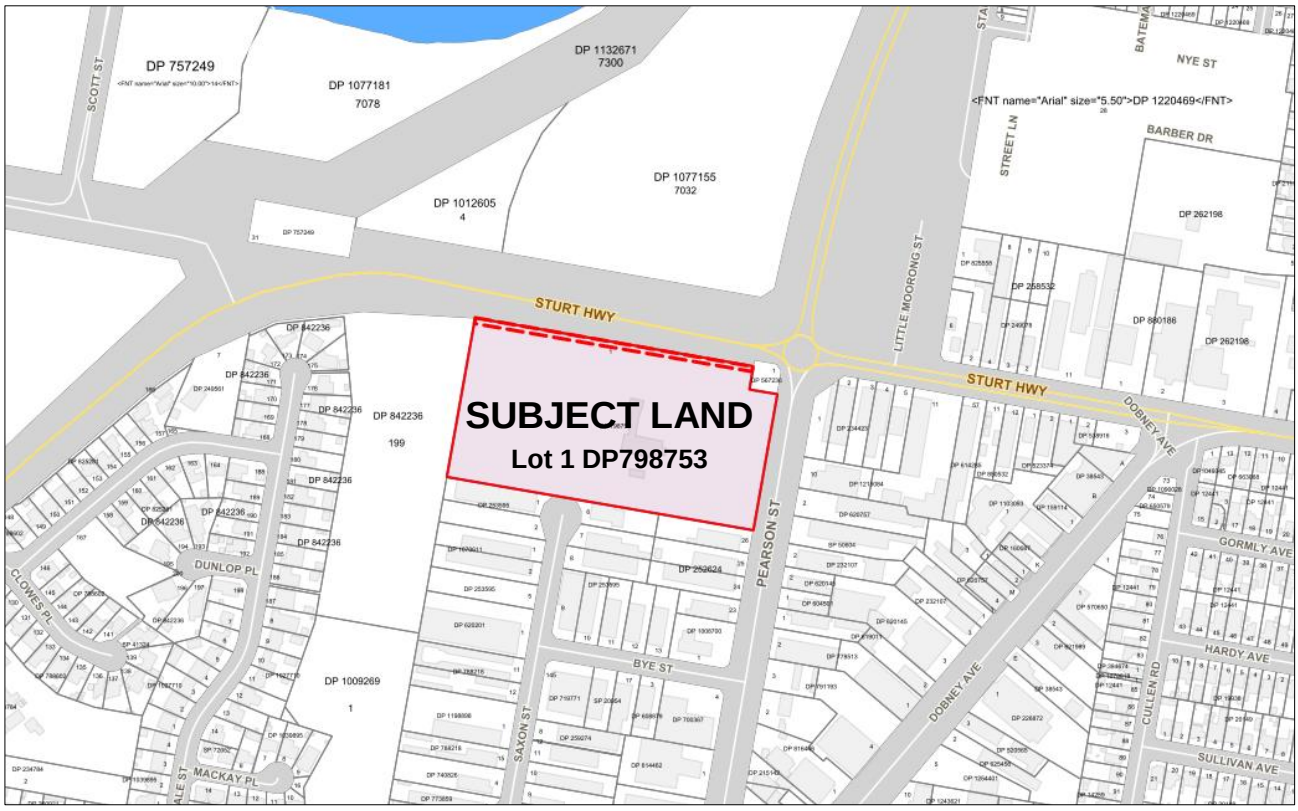

Figure 1: Cadastre image showing the subject land and surrounds (WWCC Online Mapping, 2019)

In discussions with Council it was requested that the Planning Proposal additionally include an LEP amendment relating to the adjacent public land as identified in Table 2 below. The land is currently used for a sewerage pumping station.

Table 2 Additional lot requested by Council for inclusion.

Subject land	***Landholder***
Lot 1 DP 567236 – Edward Street	Wagga Wagga City Council

BASIS OF THE PROPOSAL

A strip of land located along the northern property boundary Lot 1 DP798753, is currently zoned RE1 Public Recreation. The Planning Proposal seeks approval for a minor zoning amendment to B5 Business Development, being consistent with the primary zoning of the site. The area to which the Planning Proposal applies comprises approximately 0.15 hectares. Lot 1 DP798753 and the area to which the Planning Proposal applies (hatched line) is indicated in Figure 2 below.

Figure 2: Aerial image identifying the area subject to the Planning Proposal (WWCC Online Mapping, 2019)

It is understood that part of the land was originally rezoned Zone 6a Public Open Space under the Wagga Wagga Local Environmental Plan 1985 and Wagga Wagga Development Control Plan 1986. According to the DCP, the Pearson Street precinct, indicated in Figure 3 on the following page, was subject to special provisions under Section 10.6.5 of the DCP. According to Section 4 of the DCP, special provisions were imposed when a formal amendment to the DCP occurred, such as when a zoning amendment was adopted.

The controls under Section 10.6.5 of the DCP1986, that relate to the precinct, indicate a plantation strip along the highway frontage of the site. It should be noted that at this time the subject land was zoned for the purpose of industrial activity. No further strategic documents were able to be obtained to investigate this requirement further, however it is envisaged that this portion of land may have been set aside for the purpose of screening industrial activity from the public domain.

Currently, a row of vegetation exists along the southern edge of the Sturt Highway (Edward Street) reservation. However, the RE1 zoned portion of the subject land does not reflect the existing environment, given the vegetation has not been established within the RE1 zoned portion. Despite the zoning of public recreation, there is no identified public purpose that is currently served by this portion of land, nor is anticipated to be served in future should the RE1 zone remain.

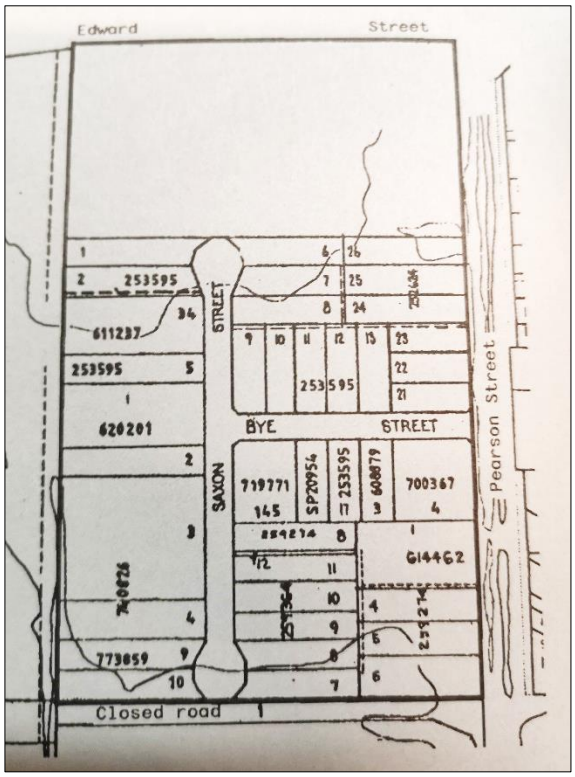

Figure 3: Pearson Street precinct subject to special provisions under the WWDCP 1986 (WWCC, 1986)

The remainder of the site, and surrounding precinct, was rezoned to B5 Business Development in 2012. Therefore, it is considered the strategic directions for the precinct encourage redevelopment for business activity, as is proposed with the intended Bunnings premises on the site. Accordingly, the RE1 reservation is no longer required upon the land to support screening of industrial activity from the public domain. Additionally, if the intent of the RE1 zone was to establish an attractive entrance statement, the same outcome could be achieved under the current DCP controls for business development, where landscaping and shade trees are required within the front setback.

In redeveloping the subject site for business activity, is considered appropriate that the future development actively addresses the highway frontage. This would be consistent with adjacent development immediately to the east also along the highway. The proposed LEP amendment would facilitate the most effective design outcome for future redevelopment.

As discussed further in this Planning Proposal, the subject site is considered of strategic importance due to its considerable size, undeveloped nature and its position at the western gateway to the City of Wagga Wagga. Council is currently considering a separate Planning Proposal to improve redevelopment opportunities and streetscape presence at the eastern gateway to the city at Gumly Gumly. Given the significance and vast potential of the subject site, it is considered the LEP amendment is necessary to ensure of the most efficient design of future development and optimal use of employment lands.

As outlined above, Council requested that the Planning Proposal should also include an LEP amendment relating to Lot 1 DP 567236, being adjacent public land as identified in Figure 4 on the following page. The subject site is dually zoned B5 Business Development and RE1 Public Recreation. The land has an area of 778sqm and is used for a sewerage pumping station.

Council officers directed that the land should be rezoned to SP2 Infrastructure, consistent with its current, and likely future, land use for infrastructural purposes. The infrastructural purpose would be identified on the Land Zoning Map as '*sewage reticulation system',* given a pumping station falls within this definition. This land has been included at Council's request.

Figure 4: Aerial image identifying the area requested to be included in the Planning Proposal (WWCC Online Mapping, 2019)

1. PART 1 OBJECTIVES OR INTENDED OUTCOMES

This Planning Proposal intends a minor zoning amendment to part of the subject land. It is proposed to rezone that part of Lot 1 DP798753 zoned RE1 Public Recreation to B5 Business Development.

It is considered there is no reasonable foundation to retain the RE1 zone along the northern boundary of the site. This zoning is a legacy that was imposed as a special provision under the Wagga Wagga Development Control Plan 1986, to regulate an industrial activity and environment. The strategic direction of the precinct was reoriented towards business activity, specifically B5 Business Development, through a LEP amendment in 2012. Despite the zoning of public recreation, there is no identified public purpose that is currently served by this portion of land, nor anticipated to be served in the future should the RE1 zone remain.

The current zoning inhibits the most-efficient design of future business development on a site of strategic importance, and therefore, is proposed to be amended.

This Planning Proposal also includes a zoning amendment for the adjacent site, Lot 1 DP 567236. The land is utilised for infrastructural purposes. Council considers it necessary to amend the existing B5 Business Development and RE1 Public Recreation zoning to SP2 Infrastructure. The infrastructural purpose would be identified on the Land Zoning Map as ‘sewage reticulation system’.

2. PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome of the Planning Proposal would be achieved by amending the Land Zoning Map in the Wagga Wagga Local Environmental Plan 2010 that is relevant to the subject sites. It is proposed to rezone part of Lot 1 DP798753 from RE1 Public Recreation to B5 Business Development, to be consistent with the remainder of the subject land. Additionally, it is proposed to rezone Lot 1 DP567236 from RE1 Public Recreation and B5 Business Development, to SP2 Infrastructure and identify the land use purpose as 'sewerage reticulation system' on the Land Zoning Map.

Figure 2-1 Existing land zoning map WWLEP 2010 (WWCC online mapping, 2019)

Figure 2-2 Proposed land zoning map WWLEP 2010 (WWCC, 2019)

3. PART 3 JUSTIFICATION

3.1. SECTION A NEED FOR THE PLANNING PROPOSAL

3.1.1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of a strategic study or report.

The RE1 zoning is no longer considered necessary as outlined above, given the strategic direction of the precinct that has been reoriented from industrial activity to business activity. This precinct-wide rezoning occurred in 2012. Council subsequently identified these LEP amendments were required in respect of the subject sites; however, it is understood the resources have not yet been able to be dedicated to this. The LEP amendment is now vital, to support an imminent redevelopment proposal on Lot 1 DP798753.

3.1.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, an amendment to the Land Zoning Map of the Wagga Wagga Local Environmental Plan 2010 is the only means of giving effect to the objectives of the Planning Proposal.

It is considered there is no basis to retain the RE1 zone along the northern boundary of Lot 1 DP798753. This was a legacy condition imposed under the Wagga Wagga Development Control Plan 1986; however, it has served no public purpose in the decades since. The zoning inhibits the most-efficient use of serviced employment lands for business development activities and therefore, is proposed to be amended.

It is also considered necessary to align the planning controls with the existing and future infrastructural purpose of Lot 1 DP567236.

3.2. SECTION B RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3.2.1. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The Riverina Murray Regional Plan 2036 is applicable to the subject land. The following Directions from the Plan are relevant to the Planning Proposal:

Table 3-1 Considerations under the Riverina Murray Regional Plan 2036

Objectives	*Comment*
Direction 4 Promote business activities in industrial and commercial areas	The Regional Plan identifies a preference to locate new activity in existing commercial centres to strengthen the role and function of these areas, capitalise on existing infrastructure, continue to attract new retail investment and enhance the value of existing public spaces. This would be achieved with the development of Lot 1 DP798753 for the intended purpose of business development. The site is a strategic business/industrial site of considerable size. It is currently under-utilised. Additionally, the historic land use activity has become redundant and the site is an eyesore that detracts from the streetscape at the western gateway to the city.

Objectives	*Comment*
	The Planning Proposal intends a minor amendment to remove the RE1 Public Recreation zone along the northern boundary of Lot 1 DP798753, thereby facilitating the most efficient use of employment lands and allowing the development to actively address the western gateway to the city.

3.2.2. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Wagga Wagga Spatial Plan 2013-2043 is applicable to the subject land. The following Objectives from the Spatial Plan are relevant to the Planning Proposal. Considerations of the Wagga Wagga Spatial Plan are discussed in Table 3-2 below.

Table 3-2 Considerations under the Wagga Wagga Spatial Plan 2013-2043

Objectives	*Comment*
Provide flexible opportunities and appropriate locations for establishing and growing business	The site is a strategic site of considerable size. It is located within an established business/industrial centre, however, is currently under-utilised. As indicated previously, the historic use of the site has become redundant, the site has become an eyesore, which detracts from the streetscape at the western gateway to the city. The Planning Proposal intends a minor amendment to remove the RE1 Public Recreation zone along the northern boundary of Lot 1 DP798753, thereby facilitating the most efficient use of employment lands and enabling future development to actively address the western gateway to the city.
Provide opportunities for key businesses established in Wagga Wagga to grow further	The Planning Proposal would support the relocation of a large national retailer, Bunnings, from its existing premises which cannot cater for its projected growth. The Planning Proposal would ensure Bunnings remains in the local area, providing for ongoing employment of local residents. Bunnings is a key supplier for the local building and construction industry, which is an important sector in the local community.

3.2.3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following State Environmental Planning Policies are applicable to the Planning Proposal:

Table 3-3 Relevant State Environmental Planning Policies

Relevant SEPPs	*Comment*
State Environmental Planning Policy No 55—Remediation of Land	The subject land has been utilised historically as agricultural land, followed by several decades of use as a brickmaking factory. Fuel storage tanks are present on the land, being an activity specified in Appendix 2 of Council's Contaminated Land Policy which takes reference from the SEPP 55 Planning Guidelines. Low residual levels of agricultural chemicals and/or hydrocarbons may be present on the land; however, these would not be expected to pose a risk to human health. A contamination assessment in accordance with SEPP 55 requirements is underway in connection with a development application for the proposed new premises. Should the contamination assessment identify contamination, remediation requirements would be imposed as a consent condition for the proposed new premises.

	It is considered there is no significant contamination evidence present on the subject land that should prevent the Planning Proposal from being supported in this regard.
State Environmental Planning Policy (Infrastructure) 2007	Clauses 101 and 102 of the State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP) are considered to be of relevance to the Planning Proposal. Future development would involve land with frontage to a classified road, being the Sturt Highway. Future development would need to address the requirements of clauses 101 and 102 of ISEPP.

3.2.4. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Yes. The following Ministerial Directions are applicable to the Planning Proposal:

Table 3-4 Consideration of Ministerial Directions

Ministerial Directions	***Comment***
Direction 1.1 Business and Industrial Zones	The Planning Proposal is partly consistent with the terms of this Direction. In relation to Lot 1 DP567236, the area of existing business zone would be reduced; however, when the land was rezoned in 2012, the most appropriate zone and zone boundary location for this land was not well-considered. In respect of Lot 1 DP798753, it would retain the areas and locations of existing business and industrial zones and it would not reduce the total potential floor space area for employment uses in business zones. The Planning Proposal would underpin employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. The Planning Proposal intends a minor amendment to remove the RE1 Public Recreation zone along the northern boundary of Lot 1 DP798753, thereby facilitating the most efficient use of employment lands and allowing the development to actively address the western gateway to the city. The site is of strategic importance, given its considerable size, location within an established precinct, access to infrastructure and position at the western gateway to the city
Direction 5.10 Implementation of Regional Plans	The Planning Proposal is considered consistent with the Riverina Murray Regional Plan, as outlined in Section 3.2.1.
Direction 6.2 Reserving Land for Public Purposes	The Planning Proposal intends a minor amendment to remove the RE1 Public Recreation zone along the northern boundary of Lot 1 DP798753. It is considered there is no basis to retain the RE1 zone in this location as no public purpose is currently served, nor anticipated to be served in future. The RE1 zone inhibits the design of future development and the most efficient use of serviced employment lands. The relevant public authority in relation to this land is understood to be Wagga Wagga City Council. The Planning Proposal would be required to be supported in this regard by the Council and by the Director General of the Department of Planning. The Direction also supports the removal of reservations of land for public purposes where the land is no longer required. Additionally, the Planning Proposal would rezone Lot 1 DP567236 to SP2 Infrastructure, dedicated to the continuing use of a pump station on the land. As indicated above, this is considered to be a correction to the most appropriate zone.

3.3. SECTION C ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

3.3.1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal relates to land currently zoned RE1 Public Recreation and B5 Business Development. A site survey by a qualified NGH botanist did not identify critical habitat or threatened species, populations or ecological communities, or their habitats within the area that is subject to this Planning Proposal.

The site survey identified vegetation immediately north of Lot 1 DP798753 to be consistent with the Threatened Ecological Community (TEC) of Box-Gum woodland, under the *NSW Biodiversity Conservation Act 2016* listing. However, this land is currently zoned SP2 Infrastructure and is therefore biodiversity certified land under the BC Act. It is not subject to this Planning Proposal.

The subject land is not identified on the Biodiversity Values Map, under the *Biodiversity Conservation Regulation 2017,* as indicated in the figure on the following page. The areas of high biodiversity value are indicated by the purple layer.

Any future development application would be supported by an assessment against the prevailing NSW and Commonwealth biodiversity framework.

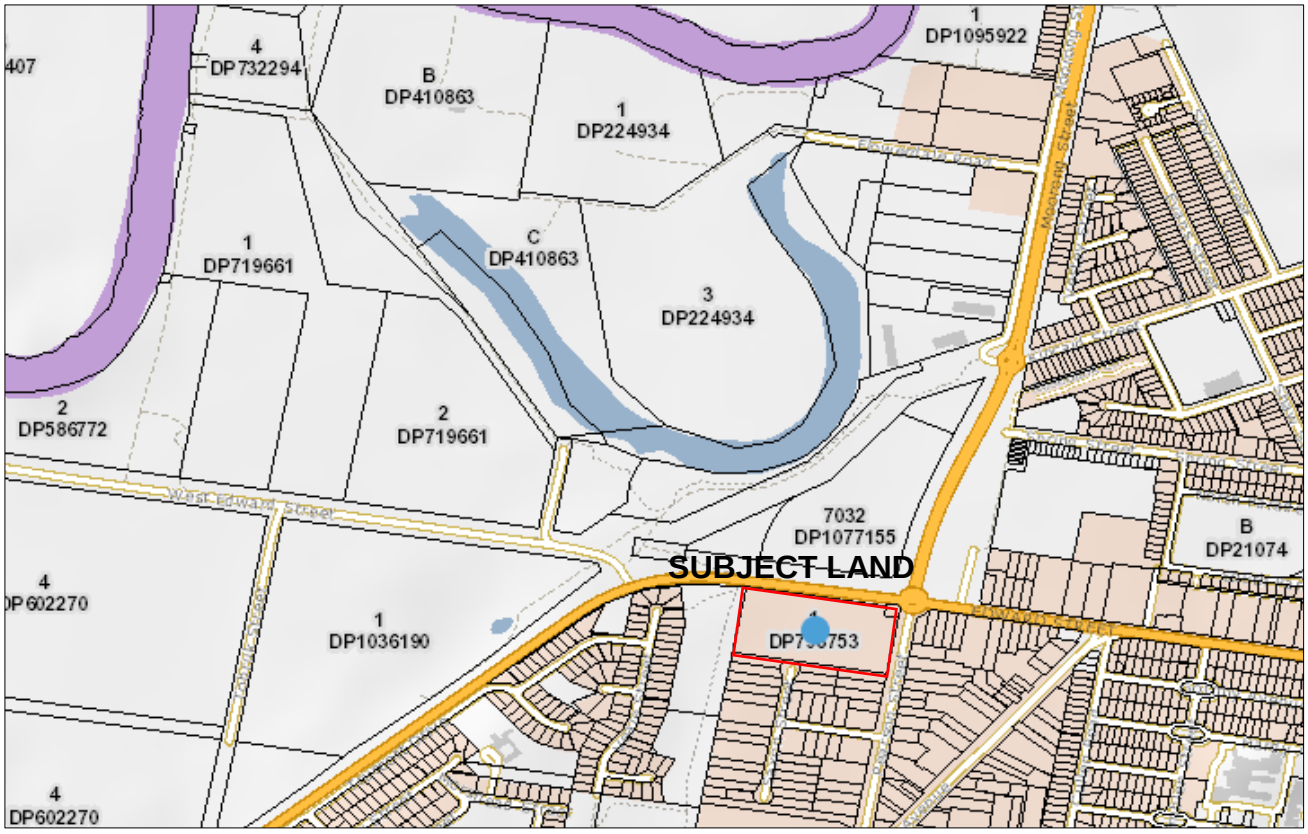

Figure 3-1 Biodiversity Conservation Regulation 2017 Biodiversity Values Map (LMBC, 2019)

3.3.2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject land is not mapped as vulnerable land, prone to landslip, or bushfire prone according to Council records. The land is currently subject to riverine flooding; however, the upgrade of the main city levee is considered imminent. Accordingly, Council identifies the land is not within a Flood Planning Area.

Fuel storage tanks are present on Lot 1 DP798753, being an activity specified in Appendix 2 of Council's Contaminated Land Policy which takes reference from the SEPP 55 Planning Guidelines. Low residual levels of agricultural chemicals and/or hydrocarbons may be present on the land; however, these would not be expected to pose a risk to human health. A contamination assessment in accordance with SEPP 55 requirements is currently being prepared as part of a development application for proposed new premises on the land. Should the contamination assessment identify contamination, remediation requirements would be imposed as a consent condition for the proposed new premises. It is considered there is no significant contamination evidence present on the subject land that should prevent the Planning Proposal from being supported in this regard.

Matters concerning Aboriginal cultural heritage have been considered and a Due Diligence assessment prepared in support of a separate development application for proposed new premises on the subject land. The assessment identified 46 Aboriginal sites recorded and 3 declared Aboriginal Places within an area approximately 5 km east-west by 5 km north-south and centred on the subject site. The figure below indicates the location of the AHIMS sites and declared Aboriginal Places in proximity. The assessment noted that the culturally modified trees recorded in close proximity have been identified and recorded by members of the local Aboriginal community. It is our understanding that these sites have not been assessed or recorded in conjunction with previous archaeological assessments or heritage studies.

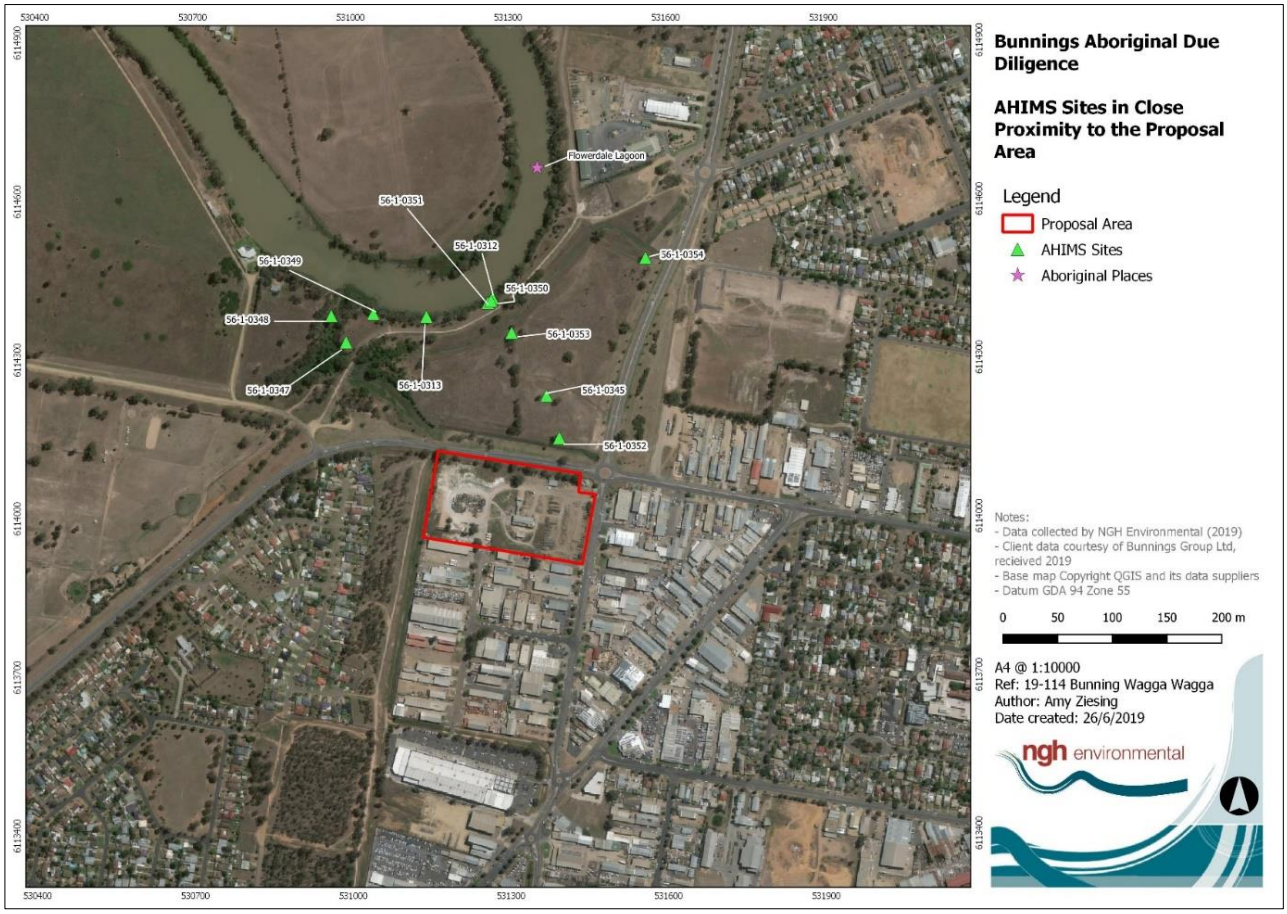

Figure 3-2 AHIMS sites and Aboriginal Places in proximity of the current proposal area (NGH, 2019)

The assessment concluded that Lot 1 DP798753 and the road reserve areas of the Sturt Highway and Pearson Street adjacent Lot 1 DP798753 to have negligible potential to contain Aboriginal objects and there were no Aboriginal artefacts identified. Mature trees within the vicinity of the project area were visually inspected and considered not to be culturally modified.

3.3.3. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal intends a minor LEP amendment to the zone along the northern boundary of Lot 1 DP798753. The land would be rezoned to B5 Business Development, consistent with the remainder of the site. Additionally, it is proposed to rezone Lot 1 DP567236 to SP2 Infrastructure. This is considered a correction to the most appropriate zone for the land.

Given the minor nature of the Planning Proposal, widespread social and economic benefits or impacts are not anticipated. However, the site is of strategic importance and the Planning Proposal would facilitate the most-efficient use of the site. This is considered of public benefit, given the site is located at the western gateway to the city and removal of the RE1 zone would allow future development to actively address the highway frontage and improve the contribution of the site to the streetscape.

The Planning Proposal would support the relocation of a large national retailer, Bunnings, from its existing premises which cannot cater for its projected growth. The Planning Proposal would facilitate the continued growth of the business premises and activate a site that is significantly under-utilised.

The Planning Proposal would ensure Bunnings remains in the local area, providing for ongoing employment of local residents. Bunnings is a key supplier for the local building and construction industry, which is an important sector in the local community.

It is considered that the planning proposal would not have unintended social or environmental impacts.

3.4. STATE AND COMMONWEALTH INTERESTS

3.4.1. Is there adequate public infrastructure for the planning proposal?

The subject site is well supported by public infrastructure necessary for business development. The land is connected to major arterial and collector roads. It is also serviced by electricity, telecommunications, natural gas and mains water supply.

The subject land is currently served by a reticulated sewerage and stormwater drainage network. It is covered by the 'Wagga Wagga City Council Development Servicing Plan No. 1 Sewerage Services' and the 'Wagga Wagga Stormwater Development Servicing Plan'.

The subject land is covered by the Wagga Wagga Local Infrastructure Contributions Plan 2019. A Section 7.11 contribution would be levied on any future development in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*. The contributions would go toward the physical infrastructure and community facilities outlined in the Plan.

3.4.2. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with any relevant State and Commonwealth public authorities would be conducted post-gateway determination as necessary.

It is anticipated that it would be necessary to consult with the Office of Environment & Heritage in relation to environmental matters.

4. PART 4 MAPPING

Proposed LEP maps are included within this Planning Proposal to the requirements of the Department of Planning and Environment's Standard Technical Requirements for LEP maps.

Other maps and figures are included in this Planning Proposal to assist in interpretation and understanding of the proposed objectives and outcomes.

It is anticipated that the Planning Proposal would result in an amendment to the Land Zoning Map LZN_003C. No other LEP Map Sheets are expected to require amendment.

5. PART 5 COMMUNITY CONSULTATION

Community consultation would be undertaken in accordance with the directions outlined in the Gateway Determination.

6. PART 6 PROJECT TIMELINE

The project timeline would be prepared by Council.