

Amend Wagga Wagga LEP 2010 - Changes to Lloyd Urban Release Area, Bakers Lane lot size, and B2 Zone for Tatton, Bourkelands, Estella and Boorooma urban areas

Proposal Title : Amend Wagga Wagga LEP 2010 - Changes to Lloyd Urban Release Area, Bakers Lane lot size, and B2 Zone for Tatton, Bourkelands, Estella and Boorooma urban areas

Proposal Summary : Council seeks to amend the Wagga Wagga LEP 2010 to make the following five (5) changes;
ITEM 1. Amend the Lot Size Map to change the minimum lot size (MLS) from 8 ha to 2 ha for land at Bakers Lane zoned R5 Large Lot Residential.

ITEM 2. Amend the Land Zoning Map and Lot Size Map to change the zone and lot size of a 1.4 ha parcel of land at Lloyd from E2 Environmental Conservation Zone (200 ha MLS) to E4 Environmental Living Zone (1 ha MLS).

ITEM 3. Amend the Land Zoning Map and Lot Size Map to adjust the boundary between the E2 Environmental Conservation Zone (200 ha MLS), the R1 General Residential Zone (no MLS) and RU1 Primary Production Zone (200 ha MLS). The adjustment will affect 2.3 ha of land. This item will also require an amendment to the Urban Release Area Map to reflect the revised boundary of the R1 General Residential Zone.

ITEM 4. Amend the Land Zoning Map to change the business zones at Tatton, Bourkelands, Estella and Boorooma residential areas from B1 Neighbourhood Centre Zone to B2 Local Centre Zone.

ITEM 5. Increase the size of the new B2 Local Centre Zone to reflect the final subdivision layout for the Boorooma residential release area.

PP Number : PP_2012_WAGGA_003_00 **Dop File No :** 12/07113

Proposal Details

Date Planning Proposal Received :	19-Apr-2012	LGA covered :	Wagga Wagga
Region :	Southern	RPA :	Wagga Wagga City Council
State Electorate :	WAGGA WAGGA	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :		City :		Postcode :	
Suburb :					
Land Parcel :	Item 1 Land between Bakers Lane and Mitchell Road and outlined in red as shown on Attachment A of the PP				
Street :					
Suburb :		City :		Postcode :	
Land Parcel :	Item 2 Land in Lloyd proposed to be rezoned to E4 Zone outlined in red on Attachment B of the PP				
Street :					
Suburb :		City :		Postcode :	
Land Parcel :	Item 3 Land in Lloyd proposed to be rezoned R1 and E2 Zone outlined in red on Attachment B of the PP				

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Street :

Suburb :

City :

Postcode :

Land Parcel : **Item 4 and 5 Land in Tatton, Bourkelands, Boorooma and Estella proposed to be zoned B2 outlined in red on Attachment B and D of the PP**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Mark Parker**

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Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub
Regional Strategy : **N/A**

Consistent with Strategy : **N/A**

MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) : **N/A**

No. of Lots : **1**

No. of Dwellings
(where relevant) : **1**

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting Notes : **ITEM 1. BAKERS LANE R5 LARGE LOT RESIDENTIAL AREA
The land is currently zoned R5 Large Lot Residential Zone with an 8 ha MLS. The**

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proposed amendment of the Lot Size Map to 2 ha MLS for this land (see Attachment A) will ensure the minimum lot size is consistent with previous planning controls over the site prior to the approval of Wagga Wagga LEP 2010. The amended lot size is also consistent with existing lot sizes in this location. The current minimum lot size is therefore an anomaly that was not picked up after exhibition of the draft LEP.

Attachment A of the PP illustrates location of the site outlined in red and the change to a 2 ha minimum lot size.

ITEM 2. LLOYD E4 ENVIRONMENTAL LIVING ZONE AND 1 HA MLS

Dwelling houses are currently prohibited in the E2 Zone but permissible with consent in the E4 Zone.

The landowner, Council and the Office of Environment and Heritage (OEH) have agreed that the land zoned E2 Environmental Conservation Zone in the Lloyd release area is to be dedicated to Council for a wildlife reserve as part of the negotiations to allow residential development of the Lloyd Urban Release Area.

The landowner has, however, requested that 1.4 ha of land zoned E2 Environmental Conservation Zone (see Attachment B) be retained in private ownership and zoned E4 Environmental Living Zone. The change of a 1.4 ha parcel of land from E2 Environmental Conservation Zone (200 ha MLS) to E4 Environmental Living Zone (1 ha MLS) will enable the landowner to seek approval for the erection of a dwelling house on this site. The OEH have supported this zoning request because of the long term conservation benefits from the dedication of all of the E2 Environmental Conservation Zone in Lloyd into public ownership.

Attachment B of the PP illustrates location of the site outlined in red and the change to an E4 Environmental Living Zone.

Attachment C of the PP illustrates location of the site outlined in red and the change to a 1 ha minimum lot size.

ITEM 3 MINOR ZONE BOUNDARY ADJUSTMENT BETWEEN THE RU1, R1 AND E2 ZONE IN LLOYD

This is a minor housekeeping amendment to the zone and lot size map (see Attachment B of the PP).

Council seeks to rezone;

- i) a sliver of land (1.3 ha) from E2 Environmental Conservation Zone (200 ha MLS) to R1 General Residential Zone (no MLS), and
- ii) a small section of land (1,439 m²) from R1 General Residential Zone (no MLS) to E2 Environmental Conservation Zone (200 ha MLS), and
- iii) a sliver of land (8, 594 m²) from RU1 Primary Production Zone (200 ha MLS) to E2 Environmental Conservation Zone (200 ha MLS).

The Lloyd urban release area is identified on the LEP Urban Release Area Map and affected by Part 6 of the Wagga Wagga LEP 2010. These changes to the R1 General Residential Zone will also require an amendment to the Urban Release Area Map.

These minor zone and lot size changes reflect the outcomes of discussions and agreements between the Council, landowner and the OEH on the final boundary of the E2 Environmental Conservation Zone, R1 General Residential Zone and RU1 Primary Production Zone in this part of the Lloyd urban release area and will enable residential subdivision to proceed.

Attachment B of the PP illustrates location of the site outlined in red and the changes to the boundaries of the E2 Environmental Conservation Zone, R1 General Residential Zone and RU1 Primary Production Zone.

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Attachment C of the PP illustrates location of the site outlined in red and the changes to the Lot Size Map.

ITEM 4 B1 NEIGHBOURHOOD CENTRE ZONE TO B2 LOCAL CENTRE ZONE

Council seeks to rezone four (4) sites zoned B1 Neighbourhood Centre Zone to B2 Local Centre Zone located in the residential areas of Tatton, Bourkelands (see Attachment B of the PP), Boorooma and Estella (see Attachment D of the PP).

The change of zone from B1 Neighbourhood Centre Zone to B2 Local Centre Zone is being requested by Council in response to submissions received during the exhibition of the draft LEP. The B1 Neighbourhood Centre Zone "has been found to unreasonably limit the business potential of these business centres". The change to a B2 Local Centre Zone will resolve this issue.

Attachment B and D illustrates location of the sites outlined in red and the change to the Lot Size Map to B2 Local Centres Zone.

ITEM 5 INCREASE THE AREA OF THE BUSINESS ZONE AT BOOROOMA

The PP also seeks to increase the area of the business zone in the Boorooma urban area that is to be zoned B2 Local Centre under Item 4. Attachment E of the PP illustrates the current size of the B1 Neighbourhood Zone in Boorooma and Attachment D of the PP illustrates the increased size of this Business Zone and its conversion to B2 Local Centre Zone.

The minor housekeeping amendment in the area of the Boorooma business zone will enable development to proceed consistent with an approved plan of subdivision.

Attachment E indicates the location and area of the current B1 Neighbourhood Centre Zone for the Boorooma site.

Another attached map entitled "Proposed B2 Zoning Boorooma" illustrates in more detail the amended size of Boorooma business zone compared with Attachment E.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

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- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

S117 DIRECTIONS

The PP is inconsistent with the following s117 Directions;

1.2 RURAL ZONE

Item 3 is inconsistent with this Direction but is justified on the basis that zone boundary adjustments (and lot sizes) between the rural, residential and environmental zones are of minor significance.

1.5 RURAL LAND

Item 3 is inconsistent with this Direction but the inconsistencies are justified on the basis that the zone/lot size map boundary adjustments between the rural, residential and environmental zones are of minor significance.

The planning proposal either achieves the Rural Planning Principles and Subdivision Principles of the Rural Lands SEPP or they are not relevant to the proposal.

2.1 ENVIRONMENTAL PROTECTION ZONES

Item 2 and 3 are inconsistent with this Direction but the inconsistencies are justified on the basis that zone boundary adjustments (and lot sizes) between the rural, residential and environmental zones are of minor significance.

RURAL LANDS SEPP 2008

The planning proposal either achieves the Rural Planning Principles and Subdivision Principles of the Rural Lands SEPP; changes are of minor significance; or the principles are not relevant to the proposal.

Item 3 is inconsistent with this SEPP but the inconsistencies are justified on the basis that the zone/lot size map boundary adjustments between the rural, residential and environmental zones .

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps submitted with the PP do not comply with the Department's LEP mapping requirements. However, the version of the maps provided with the PP contain sufficient detail to indicate the substantive effect of the proposed instrument in accordance with clause 55 (2) (d) of the Environmental Planning and Assessment Act 1979.

Council will be required prepare amending maps that are consistent with the Department's mapping requirements if the draft LEP progresses to final approval (s59).

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The PP has stated that community consultation is at the discretion of the Department of Planning.

RECOMMENDATION

That the PP be publicly exhibited for 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **July 2010**

Comments in relation to Principal LEP : The Wagga Wagga LEP 2010 was notified on the 16 July 2010. The PP seeks to amend the LEP.

Assessment Criteria

Need for planning proposal : Council has provided adequate justification for the five (5) items in the PP. The changes are either housekeeping amendments to correct anomalies in the LEP (Item 1, Item 3, Item 4 and Item 5) and/or are a result of negotiations on environmental outcomes for the Lloyd Urban Release Area (Item 2 and Item 3).

RECOMMENDATION

The PP be supported because Council has demonstrated a need for the proposal.

Consistency with strategic planning framework :

RECOMMENDATION

The PP be supported because the PP does not raise any conflicts with Council's strategic planning and the five (5) items in the PP are of minor significance

Environmental social economic impacts :

There are unlikely to be any adverse environmental, social or economic impacts from the PP. Items 2 and 3 have been prepared in consultation and with the support of the OEH.

The changes proposed to the zoning and standards for areas with environmental and economic objectives will have environmental, social and economic benefits.

RECOMMENDATION

The PP be supported because the PP is likely to have environmental, social and economic benefits.

Further recommended that Council consult with the OEH (Environment) and Crown Lands (adjoining Crown Land - Wiradjuri Walking Track).

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Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **9 Month** Delegation : **DG**
LEP :

Public Authority **Office of Environment and Heritage**
Consultation - 56(2)(d) **Other**
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

URBAN RELEASE AREA MAP

The Lloyd urban release area is identified on the LEP Urban Release Area Map and affected by Part 6 of the Wagga Wagga LEP 2010. The changes to the R1 General Residential Zone under item 3 will therefore require an amendment to the Urban Release Area Map relating to Lloyd (LEP Map sheet URA_004A) to ensure there is consistency between the Land Zoning Map and Urban Release Area Map and to ensure the provisions of clause "6.2 Public Utility Infrastructure" and clause "6.3 Development Control Plan" applies to all residential zoned land within the urban release area.

Note: The Director General confirmed on the 7 October 2010 as follows;

"In accordance with the provisions of clause 6.1 of Wagga Wagga Local Environmental Plan 2010, I, Sam Gabriel Haddad, Director General of the Department of Planning, certify that satisfactory arrangements are in place for the provision of designated State public infrastructure in respect of the areas identified in the Wagga Wagga Local Environmental Plan 2010 Urban Release Area Map - Sheet URA_004A"

No State infrastructure levies are therefore required for Lloyd urban release area and the Department raises no objection to Council determining subdivision applications for this land.

RECOMMENDATION

Support the amendment to the urban release area on the Urban Release Area Map to be consistent with changes in the area of land affected by the R1 General Residential Zone.

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Documents

Document File Name	DocumentType Name	Is Public
Letter to DOP - Merged Lloyd Proposals.pdf	Proposal Covering Letter	Yes
Planning Proposal 2012 04 19.pdf	Proposal	Yes
PP section 117 directions 2012 04 19.pdf	Proposal	Yes
Council Report Boorooma.pdf	Proposal	Yes
Council Report Lloyd (29082011).pdf	Proposal	Yes
Council resolution Boorooma.pdf	Proposal	Yes
Council Resolution Lloyd.pdf	Proposal	Yes
Bio Cert Order.pdf	Proposal	Yes
Attachment A.pdf	Map	Yes
Attachment B.pdf	Map	Yes
Attachment C.pdf	Map	Yes
Attachment D.pdf	Map	Yes
Attachment E - Current Boorooma B1 zoning.pdf	Map	Yes
Proposed B2 Zoning Boorooma.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information :

The Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Wagga Wagga Local Environmental Plan 2010 to;

1. amend the Lot Size Map to change the lots size from 8 ha MLS to 2 ha MLS on land at Bakers Lane zoned R5 Large Lot Residential,
2. amend the Land Zoning Map and Lot Size Map to change the zone and lot size of an approximately 1.4 ha parcel of land at Lloyd from E2 Environmental Conservation Zone (200 ha MLS) to E4 Environmental Living Zone (1 ha MLS),
3. amend the Land Zoning Map, Lot Size Map and Urban Release Area Map to adjust the boundary between the E2 Environmental Conservation Zone (200 ha MLS) the R1 General Residential Zone (no MLS) and RU1 Primary Production Zone (200 ha MLS).
4. amend the Land Zoning Map to change the business zones at Tatton, Bourkelands, Estella and Boorooma residential areas from B1 Neighbourhood Centre Zone to B2 Local Centre Zone.
5. increase the size of the new B2 Local Centre Zone at Boorooma to reflect the final subdivision layout for the residential release area,

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should proceed subject to the following conditions:

1. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and 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).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Crown Lands

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 it 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.

3. No public hearing is required to be held into the matter 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).

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

5. The Director General can be satisfied that the planning proposal is consistent with all s117 Directions or that any inconsistencies are only of minor significance. No further consultation is required for any s117 Directions while the proposal remains in its current form.

Supporting Reasons :

The proposal makes a number of minor zone boundary and minimum lot size amendments that reflect the current or proposed development pattern; align boundaries with identified on ground attributes; and will result in planned for environmental, social and economic benefits to the community.

Signature:



Printed Name:

Mark Parker

Date:

27th April 2012

Local Planning Manager