

Amend Wagga Wagga LEP 2010 - Rezone land at Collingullie, Tatton, Tarcutta St, Estella and Edward St

Proposal Title :	Amend Wagga Wagga LEP 2010 - Rezone land at Collingullie, Tatton, Tarcutta St, Estella and Edward St		
Proposal Summary :	1. Collingullie Village - Rezone land from RU1 Primary Production Zone (200 ha minimum lot size (MLS)) to RU5 Village Zone (no MLS). 2. Barrington Street, Tatton, Wagga Wagga City - Rezone land from E2 Environmental Conservation Zone to R1 General Residential Zone with no change to the MLS - i.e. no MLS. 3. 210 Tarcutta Street, Wagga Wagga City - Rezone land from SP1 Special Activities (Public Buildings) to B3 Commercial Core with floor space ratio (FSR) of 2:1 and a maximum height of buildings (HOB) of 16m with no change to MLS - i.e. no MLS. 4. Estella, Wagga Wagga City - Rezone land from RE1 Public Recreation Zone to R1 General Residential Zone with no change to the MLS - i.e. no MLS. 5. 368-370 Edward Street, Wagga Wagga City - Rezone land from IN2 Light Industrial Zone to B5 Business Development Zone with no change to the MLS - i.e. no MLS.		
PP Number :	PP_2013_WAGGA_001_00	Dop File No :	13/04397-1

Proposal Details

Date Planning Proposal Received :	05-Mar-2013	LGA covered :	Wagga Wagga
Region :	Southern	RPA :	Wagga Wagga City Council
State Electorate :	WAGGA WAGGA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 42 DP 716008 Collingullie		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Part Lot 9,10,11,12 and 13 DP 1113058 Barrington Street Tatton		
Street :	210		
Suburb :	Tarcutta Street	City :	Wagga Wagga
		Postcode :	2650
Land Parcel :	Lot 1 DP 1035833, Lot 1 DP 524250, Lot 1 DP 71246 and Lot 2 DP 365686 Tarcutta St Wagga Wagga		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 844 DP 1150062, Lots 42 and Lot 53 DP 1170734, Estella, Wagga Wagga		

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Street : 368-370
Suburb : Edward Street City : Wagga Wagga Postcode : 2650
Land Parcel : Lots 1 and 2 DP 234423

DoP Planning Officer Contact Details

Contact Name : Graham Judge
Contact Number : 0262297906
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RPA Contact Details

Contact Name : Nicole Dukinfield
Contact Number : 0269269532
Contact Email : Dukinfield.Nicole@wagga.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Mark Parker
Contact Number : 0242249468
Contact Email : mark.parker@planning.nsw.gov.au

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) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **ADDITIONAL INFORMATION**

1. Collingullie Village - Rezone 1.185 ha of land from RU1 Primary Production Zone (200 ha MLS) to RU5 Village Zone (no MLS). An existing hotel is located on the site and the use is prohibited under the existing zone.

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2. Barrington Street, Tatton, Wagga Wagga City - Rezone 2,065 m2 of land from E2 Environmental Conservation Zone to R1 General Residential Zone with no change to the MLS - i.e. no MLS. The rezoning re-adjusts the zone boundary between the E2 and R1 Zone to reflect more detailed analysis of drainage easements.

3. 210 Tarcutta Street, Wagga Wagga City - Rezone 1,660m2 of land from SP1 Special Activities (Public Buildings) to B3 Commercial Core with FSR 2:1, HOB 16m with no change to MLS - i.e. no MLS. The rezoning will correct an anomaly with the zoning of the site to enable the landowner to lease out the site for commercial purposes.

4. Estella, Wagga Wagga City - Rezone 8,816m2 of land from RE1 Public Recreation Zone to R1 General Residential Zone with no change to the MLS - i.e. no MLS. The rezoning will correct an anomaly with the zoning of the land to reflect privately owned land which has been subdivided for the purpose of residential development.

5. 368-370 Edward Street, Wagga Wagga City - Rezone 3,024m2 of land from IN2 Light Industrial Zone to B5 Business Development Zone with no change to the MLS - i.e. no MLS. The rezoning to B5 Zone will reflect the current business use of the land. Although the site has frontage to Edward Street (Sturt Hwy), access to the site is from a local road (Pearson Street) and the rezoning is therefore consistent with Council's strategy to avoid increased vehicle movements from Edward Street as a result of more intensive business activities.

DELEGATION

Council has requested Authorization from the Department to exercise its delegation to make the plan after the completion of community consultation.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The objectives clearly indicate the intended outcome of the planning proposal (PP).**

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

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

Comment : **The explanation of the provisions and associated diagrams clearly indicate that the intent of the PP is to rezone 5 separate sites and amend various other planning provisions.**

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

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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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 :

SECTION 117 DIRECTION 1.2 RURAL ZONES AND 1.5 RURAL LANDS

Inconsistency with these Directions (Item 1 rezoning rural land occupied by a hotel to a RU5 Village Zone; and Item 2 rezoning from E2 Environmental Conservation Zone to R1 General Residential Zone) is justified on the basis that the rezonings are of minor significance.

SECTION 117 DIRECTION 2.1 ENVIRONMENTAL PROTECTION ZONES

Inconsistency with Item 2 (adjusts the boundary of E2 Environmental Conservation Zone and R1 General Residential Zone) is justified on the basis that the rezoning of 2,065 m2 to more accurately identify a drainage corridor is of minor significance.

SECTION 117 DIRECTION 3.1 RESIDENTIAL ZONES

Inconsistency with Item 2 and 4 (rezones 2,065m2 of E2 Environmental Conservation zoned land and 8,816m2 of RE1 Public Recreation zoned land to a R1 General Residential Zone) is justified on the basis that the rezoning is of minor significance. In addition the Wagga WAgga LEP 2010 contains a provision requiring the land to be adequately serviced and it does not reduce densities. Note: The RE1 Zone is privately owned land.

SECTION 117 DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

Inconsistency with Item 1, 2 and 4 (rezones rural, environmental and recreation zoned land to a residential zone) is justified on the basis that the rezoning is of minor significance.

SECTION 117 DIRECTION 4.3 FLOOD PRONE LAND

Inconsistency with Item 3 (rezones flood prone land to a B5 Business Development Zone) is justified on the basis that the rezoning is of minor significance. The land is currently protected by a flood levee.

SECTION 117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

This is privately owned land not intended to be acquired and already subdivided for residential development. The Director General can approve of the rezoning.

RECOMMENDATION

1. The Director General can be satisfied that the inconsistencies of the PP with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land are of minor significance.

2. The Director General can approve of the rezoning from RE1 Public Recreation Zone to R1 General Residential Zone.

3. The Director General can be satisfied that the PP is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : Council has not provided draft LEP Maps with the PP. The PP is therefore inconsistent with the section 2.4 of "A guide for preparing planning proposals".

RECOMMENDATION

Insert a condition in the Gateway Determination that draft LEP Maps be prepared that are consistent with the latest version of the "Standard technical requirements for LEP maps" and the draft maps be placed on public exhibition as part of community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has included community consultation under Part 6 of the PP (Project Timeline). Council has not however identified the period for consultation.

RECOMMENDATION

Community consultation under s55 (2) be undertaken 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? **No**

If No, comment : Council has not provided draft LEP Maps with the PP. The PP is therefore inconsistent with the section 2.4 of "A guide for preparing planning proposals".

RECOMMENDATION

Insert a condition in the Gateway Determination that draft LEP Maps be prepared that are consistent with the latest version of the "Standard technical requirements for LEP maps" and the draft maps are to be placed on public exhibition as part of community consultation.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Wagga Wagga LEP 2010 (standard instrument LEP) was notified in July 2010.

Assessment Criteria

Need for planning proposal : The need for the PP has been adequately justified.

Consistency with strategic planning framework : There is no strategic plan applicable to the PP. The PP seeks to undertake minor rezonings of 5 sites.

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Environmental social
economic impacts :

There are unlikely to be any significant adverse impacts as a result of the rezoning of the 5 sites.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **Murrumbidgee Catchment Management Authority**

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 :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal to amend WWLEP 2010.pdf	Proposal	Yes
Cover letter - Submission of Planning Proposal.pdf	Proposal Covering Letter	Yes
Attachments 1-5.pdf	Map	Yes
Report and Minutes 2013.pdf	Proposal	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**
- 2.4 Recreation Vehicle Areas**
- 3.1 Residential Zones**

3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes

Additional Information :

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

- Rezone land at Collingullie from RU1 Primary Production Zone (200 ha MLS) to RU5 Village Zone (no MLS).

- Rezone land at Tatton from E2 Environmental Conservation Zone to R1 General Residential Zone (no change to the MLS - i.e. no MLS).

- Rezone land at 210 Tarcutta Street from SP1 Special Activities (Public Buildings) to B3 Commercial Core with FSR 2:1, HOB 16m (no change to MLS - i.e. no MLS).

- Rezone land at Estella from RE1 Public Recreation Zone to R1 General Residential Zone (no change to the MLS - i.e. no MLS).

- Rezone land at 368-370 Edward Street from IN2 Light Industrial Zone to B5 Business Development Zone (no change to the MLS - i.e. no MLS).

should proceed subject to the following conditions:

1. The planning proposal is to be revised prior to community consultation to include all of the relevant draft LEP Maps and the draft maps are to be prepared in accordance with the 'Standard technical requirements for LEP maps' version 2.0 dated November 2012.

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 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 Infrastructure 2012).

3. No Consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

4. 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 or if reclassifying land).

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

6. Council be authorised to use its delegation to complete the LEP following public consultation.

7. The Council is to prepare draft LEP Maps that are consistent with the latest version of the "Standard technical requirements for LEP maps" and the draft maps are to be placed on public exhibition as part of community consultation.

8. The Director General can be satisfied that the inconsistencies of the planning proposal with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental

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Protection Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land are of minor significance.

9. The Director General can approve of the rezoning from RE1 Public Recreation to R1 General Residential.

10. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance.

11. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

Supporting Reasons :

The planning proposal is supported subject to the preparation of maps consistent with the technical guidelines to accompany public exhibition.

Due to the minor nature of the planning proposal the Council has been issued with delegation to finalise the local environmental plan.

Signature:



MARK PARKER
Local Planning Manager

Printed Name:

Date:

14th March 2013