

Ref: Strategic Planning
Contact: Ian Grant

28 February 2013

Mr Brett Whitworth
Regional Director, Southern Region
Department of Planning and Infrastructure
PO Box 5475
WOLLONGONG NSW 2520

Dear Brett

Submission of Planning Proposal to amend Wagga Wagga Local Environmental Plan 2010 (WWLEP) – Amendments to land at Collingullie; Tatton; 210 Tarcutta St, Wagga Wagga; Estella; and 368-370 Edward St, Wagga Wagga

On 25 February 2013 at the Ordinary Council meeting, Wagga Wagga City Council (WWCC) resolved to send the attached planning proposal to the Department of Planning and Infrastructure for Gateway Determination to amend the WWLEP 2010.

It is requested that the Minister allow the General Manager of WWCC delegation for the making of this LEP amendment. A response to the 'Evaluation criteria for the issuing of an Authorisation' is attached to this letter.

The planning proposal seeks to:

- Rezone land and amend the minimum lot size to land at Collingullie;
- Rezone land at Tatton;
- Rezone land, and amend the maximum building height and floor space ratio to land at 210 Tarcutta St, Wagga Wagga;
- Rezone land at Estella; and
- Rezone land at 368-370 Edward St, Wagga Wagga.

Please find enclosed a copy of the following for your information:

- The Council Report;
- The Planning Proposal, prepared in accordance with section 55 of the *Environmental Planning & Assessment Act 1979* and *A guide to preparing local environmental plans* and *A guide to preparing*

planning proposals. This also includes site identification maps and aerial photos;

- 'Information checklist' of the DOPI's *Guide to preparing planning proposals*; and
- 'Evaluation criteria for the issuing of an authorisation' of the DOPI's *Guide to preparing local environmental plans*

Because of the nature of the Planning Proposal and the number of land owners potentially affected by the proposed changes, Council requests that the requirement to notify all adjoining land owners (Section 5.5.2 of *A Guide to preparing LEPs*) be waived due to the circumstances that it would be impractical and costly to carry out.

In accordance with section 56(1) of the *EP&A Act*, it is requested that the Minister issue a Gateway Determination in support of the attached planning proposal.

Should you require any further information or have any questions about this matter, please contact me by telephone (02) 6926 9517 or email grant.ian@wagga.nsw.gov.au .

Yours sincerely



Ian Grant
Manager Strategic Planning

ATTACHMENT 1 - INFORMATION CHECKLIST

▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) - (e) of the EP&A Act)

- | | |
|---|---|
| • Objectives and intended outcome | • Explanation of provisions |
| • Mapping (including current and proposed zones) | • Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
| • Community consultation (agencies to be consulted) | |

▶ STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			<ul style="list-style-type: none"> Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) Sea level rise 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Demonstrated consistency with relevant Regional Strategy Demonstrated consistency with relevant Sub-Regional strategy Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy Demonstrated consistency with Threshold Sustainability Criteria 	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site Description/Context			Urban Design Considerations		
<ul style="list-style-type: none"> Aerial photographs Site photos/photomontage 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Existing site plan (buildings, vegetation, roads, etc) Building mass/block diagram study (changes in building height and FSR) Lighting impact Development yield analysis (potential yield of lots, houses, employment generation) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic and Transport Considerations			Economic Considerations		
<ul style="list-style-type: none"> Local traffic and transport TMAP Public transport Cycle and pedestrian movement 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Economic impact assessment Retail centres hierarchy Employment land 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Considerations			Social and Cultural Considerations		
<ul style="list-style-type: none"> Bushfire hazard Acid Sulphate Soil Noise impact Flora and/or fauna Soil stability, erosion, sediment, landslip assessment, and subsidence Water quality Stormwater management Flooding Land/site contamination (SEPP55) 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> Heritage impact Aboriginal archaeology Open space management European archaeology Social & cultural impacts Stakeholder engagement 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Infrastructure Considerations		
			<ul style="list-style-type: none"> Infrastructure servicing and potential funding arrangements 	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			Miscellaneous/Additional Considerations		
			<i>List any additional studies</i>		

Attachment 4 - Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Wagga Wagga

Name of draft LEP:

NWLEP - Collingullie; Tatton; 210 Tarutta St, Wagga Wagga; Estella; and 368-370 Edward St, Wagga Wagga

Address of Land (if applicable):

Intent of draft LEP:

To Amend the Land Zoning map, Lot Size map, Height of Buildings map, and Floor Space Ratio map for the various sites identified above.

Additional Supporting Points/Information:

See Planning Proposal for an explanation of the proposed provisions.



Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		✓		
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		✓		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		✓		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		✓		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		✓		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		✓		
Is the planning proposal proposed to rectify an anomaly in a classification?		✓		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		✓		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		✓		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		✓		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		✓		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		✓		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		✓		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		✓		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument				
a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;		✓		
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or				
c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?				
(NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).				
NOTES				
<ul style="list-style-type: none"> Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department. 				