

PLANNING PROPOSAL – Variation to Clause 3.3 Environmentally Sensitive areas excluded

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this planning proposal is to amend the Wagga Wagga Local Environmental Plan (WWLEP) 2010 Clause 3.3 environmentally sensitive areas excluded. The amendment is sought as an urgent recognition of the environmental sensitivity of land identified on WWLEP Urban release area map URA_004A and to exclude the identified land from exempt and complying development.

PART 2 – EXPLANATION OF THE PROVISIONS

The concern relates to development which can be carried out under the State Environmental Planning Policy (Exempt and Complying Development Code) 2008 (Codes SEPP) in particular, development under the General Housing Code and the Rural Housing Code. As development of dwellings under the Codes SEPP can be carried out with a Complying Development Certificate, any controls within any Development Control Plan to mitigate the salinity issues have no effect as only the SEPP conditions apply. This renders Council powerless to control issues such as salinity and biodiversity within the LGA and may exacerbate the effects of these issues.

Therefore, Council is seeking an amendment to its LEP to include land identified on Urban Release Area Map URA_004A as land excluded from exempt and complying development under clause 3.3 of the WWLEP.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

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

Yes. E.A.Systems, an environmental and agricultural science and engineering firm were consulted to inform Council of the extent of the salinity impacts within the Lloyd Urban Release Area and produced a total of three (3) reports. These reports included an infiltration and groundwater recharge assessment, a salinity risk and mitigation assessment and a final report which informed staging of the subdivision for the Lloyd urban release area.

The outcomes of the E.A.Systems report indicated that residential development at Lloyd can be achieved with groundwater recharge rates less than or equal to the current agricultural state and as such, that urban salinity in Wagga Wagga could not be expected to be exacerbated as a result of development of that land. This is provided that the appropriate balance between residential pervious to impervious ratios and establishment of native vegetation or conservation woodland is achieved. This will be achieved by strict application of the Lloyd URA DCP controls.

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

Yes. A planning proposal to amend Clause 3.3 of the WWLEP is the only means of achieving the desired outcomes. This will ensure that anticipated changes to the WWLEP

Environmentally Sensitive Land maps will not result in approvals under the Codes SEPP on land identified on WWLEP URA_004A map.

Section B – Relationship to strategic planning framework.

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes, the planning proposal is consistent with the priority to 'Manage natural resources effectively to achieve environmental and economic sustainability' identified in the NSW Government Riverina Regional Action Plan.

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

Yes, the planning proposal is consistent with a number of goals and principles of Council's local strategies.

The Wagga Wagga Spatial Plan 2008 outlines several principles for the environment including to "Protect and enhance viable areas of native vegetation and develop strategies to ensure their long-term management", "Protect the biodiversity of Wagga Wagga Local Government Area through consolidation and expansion of areas native vegetation" and to "Manage impacts of natural systems and hazards, particularly salinity, flooding and bushfires".

The Wagga Wagga Community Strategic Plan 2011-2021 outlines actions to "Effectively manage the natural environment" and to "Develop sustainable built and natural environmental for current and future generations through effective land use management and planning".

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

Yes, the planning proposal is consistent with the following applicable State Environmental Planning Policy:

SEPP (Exempt and Complying Development Codes) 2008	The proposal is consistent with the aim of the SEPP ... "identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact ..." by identifying excluded land that would have major environmental impact.
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6. Is the planning proposal consistent with applicable Ministerial Directions (S117 directions)?

Yes, the planning proposal is consistent with the following applicable Ministerial Directions:

2.1 Environmental Protection Zones	Consistent. Although the land is not considered an environmentally sensitive area as defined in the SEPP or land zoned for environmental protection, the planning proposal seeks to ensure the effects of
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	salinity as a result of increased development is reduced and mitigated appropriately.
2.3 Heritage Conservation	Consistent. The planning proposal does not impact on current heritage protection provisions.
2.4 Recreation Vehicle Areas	Consistent. This proposal does not affect land identified as a recreation vehicle area.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This planning proposal will not affect provisions that permit development for the purposes of a caravan park.
3.3 Home Occupations	Consistent. This planning proposal will not impact on the ability for home occupations to be carried out in dwelling houses without the need for development consent.
4.4 Planning for Bushfire Protection	Consistent. The proposal will not alter requirements for bushfire prone land.
6.1 Approval and Referral Requirements	Consistent. The planning proposal will not increase external referral requirements and adequate consultation with public authorities will be carried out once a Gateway Determination has been issued.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not affect land reservations or public land.

Section C – Environmental, social and economic impact.

7. 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?

No. Land identified on map sheet URA_004A forms part of a squirrel glider habitat corridor and controls will be protected by applying appropriate conditions of consent after proper environmental assessment is undertaken for a particular proposal. Further, the proposal will ensure inability of exempt and complying development to be carried out

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

There are no other likely environmental effects as a result of the planning proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will not create any negative social or economic impacts, and provides for an increased opportunity for appropriately managed development.

Section D – State and Commonwealth interests.

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

There is no impact on public infrastructure as a result of the planning proposal.

11.What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with relevant agencies will be determined following the Gateway Determination.

PART 4 – MAPPING

There are no maps being amended as part of this planning proposal.

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal is considered to be 'low impact' and a 14 day exhibition period is recommended.

PART 6 – PROJECT TIMELINE

STAGE	TIMING
Anticipated commencement date	February 2013
Anticipated timeframe for completion of required technical information	March 2013
Timeframe for government agency consultation	N/A
Commencement and completion dates for public exhibition period	March 2013
Dates for public hearing	N/A
Timeframe for consideration of submissions	April 2013
Timeframe for consideration of a proposal post exhibition	April 2013
Date of submission to the department to finalise the LEP	May 2013
Anticipated date RPA will make the plan	May 2013
Anticipated date RPA will forward to the department for notification	June 2013