

Amend Wagga Wagga LEP 2010 - Exclude Complying Development from the Lloyd Urban Release Area

Proposal Title :	Amend Wagga Wagga LEP 2010 - Exclude Complying Development from the Lloyd Urban Release Area		
Proposal Summary :	Wagga Wagga City Council is seeking greater control of urban design and management of development within the Lloyd urban release area (URA) to mitigate potential downstream salinity impacts. A strategy of implementing and monitoring urban salinity mitigation measures has been part of the long term planning and release of land within the Lloyd URA. To achieve this objective Council seeks to amend Wagga Wagga LEP 2010 to exclude Complying Development under the General Housing Code and Rural Housing Code (State Environmental Planning Policy (SEPP) Exempt and Compling Development 2008) from the Lloyd URA.		
PP Number :	PP_2013_WAGGA_002_00	Dop File No :	13/04276-1

Planning Team Recommendation

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

- S.117 directions :
- 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 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, determine that under section 56(2) of the EP&A Act that an amendment to the Wagga Wagga Local Environmental Plan 2010 to exclude the Lloyd urban release area (URA) from the complying development provisions of the General Housing Code and Rural Housing Code should proceed subject to the following conditions:
1. The planning proposal is to be revised prior to Community Consultation to reflect Council's intention to exclude the Lloyd URA from the General Housing Code and Rural Housing Code under clause 1.19(6)(e) of the SEPP by identifying the Lloyd URA as 'environmentally sensitive land' under Wagga Wagga LEP 2010.
 2. The PP is also to be revised to indicate that the LEP amendment will still permit exempt development in the Lloyd URA. All reference to clause 3.3 of the Housing Code is to be removed from the planning proposal.
 3. 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 an Infrastructure 2012).
 4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

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- Office of Environment and Heritage
- NSW Rural Fire Service (consultation to be undertaken prior to community consultation as required by section 117 Direction 4.4 Planning for Bushfire Protection).

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 they 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.

5. 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).

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

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

S117 DIRECTIONS

8. S117 Direction 4.4 - Planning for Bushfire Protection - consultation is to be undertaken with the NSW Rural Fire Service prior to community consultation and any comments taken into account.

9. 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.

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

Supporting Reasons :

1. The planning proposal is not considered to be low impact and therefore should be exhibited for 28 days.
2. Consultation with the NSW Rural Fire Service prior to community consultation is consistent with the requirements of Ministerial s117 Direction 4.4 Planning for Bushfire Protection.

Panel Recommendation

Recommendation Date : **28-Mar-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to identify the Lloyd Urban Release Area as 'environmentally sensitive land' under Wagga Wagga LEP 2010, to achieve Council's intended outcome to only exclude complying development within the release area. Council is to remove reference to amending Clause 3.3 under Wagga Wagga LEP 2010 from the planning proposal and is to update the planning proposal to clearly advise that exempt development will continue to apply within the release area.
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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012) and must be made publicly available for a minimum of 14 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

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Preparing LEPs (Department of Planning & Infrastructure 2012).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body 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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMAN

Date:

11/4/13

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WAGGA_002_00
Date Sent to Department under s56	28/02/2013
Date considered at LEP Review Panel	28/03/2013
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: