

Amend Wagga Wagga LEP 2010 - Nine Items that amend the Land Zoning Map, Lot Size Map, Height of Buildings Map, Floor Space Ratio Map, Reclassification of (Part Lots) Map, land use table and insert/amend local clauses

Proposal Title : Amend Wagga Wagga LEP 2010 - Nine Items that amend the Land Zoning Map, Lot Size Map, Height of Buildings Map, Floor Space Ratio Map, Reclassification of (Part Lots) Map, land use table and insert/amend local clauses

Proposal Summary : Council seeks to amend the Wagga Wagga LEP 2010 as follows;

ITEM 1: 8640 SQUARE METRES - St Luke's Anglican Church and surrounding residential precinct - Rezone land in Shaw Street, Wagga Wagga from R1 General Residential to R3 Medium Density Residential.

ITEM 2: Approximately 87 HECTARES - Sturt Highway (including Edward Street, Hammond Avenue and Lake Albert Road) Wagga Wagga;

(a) Rezone land on Hammond Avenue, Edward Street and Lake Albert Road from a mix of IN1 General Industrial Zone, IN2 Light Industrial Zone and B1 Neighbourhood Centre Zone to B6 Enterprise Corridor Zone and B4 Mixed Use Zone.

(b) Insert a land use table for the B6 Enterprise Corridor zone. Currently there is no B6 Enterprise Corridor Zone in the Wagga Wagga LEP 2010. Under the proposed B6 land use table 'business premises' and selected types of retail premises are to be permitted with consent. The following types of retail premises are to be permitted with consent in the B6 Enterprise Corridor Zone; bulky goods premises, garden centres, hardware and building supplies, landscaping material supplies, plant nurseries, rural supplies, timber yards and vehicle sales or hire premises.

(c) Insert two (2) new local clauses under Part 7 of the WWLEP 2010 - a provision to ensure the primacy of the Wagga Wagga CBD is retained. And a provision to amend clause 4.6 of the Wagga Wagga LEP 2010 that will have the effect of ensuring the development standard of a minimum floor area of 1000 square metres applied to 'business premises' in the B6 Enterprise Corridor Zone cannot be varied. This ensures only larger format 'business premises' are permitted in the B6 Enterprise Corridor Zone.

ITEM 3: 3,530 SQUARE METRES - Johnson and Tarcutta Street Precinct, Wagga Wagga. Rezone a number of properties along Tarcutta Street and Johnson Street, Wagga Wagga from SP1 Special Activities Zone to B3 Commercial Core Zone, apply a floor space ratio of 2:1 and a maximum building height of 16 metres.

ITEM 4: Land use table amendments

Amendments to the land use table in response to a review by Council on appropriate land uses within these zones:

**R1 General Residential
R3 Medium Density Residential
B4 Mixed Use
B5 Business Development
IN1 General Industrial
IN2 Light Industrial
RE1 Public Recreation
RE2 Private Recreation
E2 Environmental Conservation
E4 Environmental Living
W1 Natural Waterways
W2 Recreational Waterways.**

**ITEM 5: 2110 SQUARE METRES - Spring Street, Wagga Wagga
Rezone Lot 20 DP 22260 in Spring Street, Wagga Wagga from RE1 Public Recreation to R1**

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General Residential to facilitate the sale of the land by Council. The land does not require reclassification because it is already classified Operational Land under the Local Government Act.

ITEM 6: 4.9 HECTARES - McPherson Oval, North Wagga Wagga
Rezone Lot 206 DP 751422 and Lot 205 DP 1084989 (Council owned open space) from RU5 Village to RE1 Public Recreation.

ITEM 7: Reclassification of (Part Lots) Map
Amend the Reclassification (Part Lots) Map RPL_004D by removing the identification of Lot 22 DP 1172986 as Community Land to correct an error.

ITEM 8: Lot size maps
Amend the scale of the series of Lot Size Maps from 1:160,000 to 1:20,000 to ensure the maps are user-friendly and the scale of the Lot Size Map is consistent with the map scale used for the Land Zoning Map.

ITEM 9: 21 HECTARES - Gobbagombalin
Reduce the lot sizes for several properties in Gobbagombalin from 2 ha to 4,000 square metres and 6,000 square metres on land currently zoned R5 Large Lot Residential.

PP Number : PP_2014_WAGGA_001_00 Dop File No : 14/10297

Proposal Details

Date Planning Proposal Received :	11-Jul-2014	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 :	ITEM 1 - Part of Shaw Street and 15 lots located between Shaw Street and Docker Street Wagga Wagga as shown in Attachment 3 of the Planning Proposal		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	ITEM 2 - Land fronting the Sturt Highway (including Edmond Street, Hammond Avenue and Lake Albert Road) Wagga Wagga as shown in Attachment 4 and 5 of the Planning Proposal		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	ITEM 3 - 26, 30 and 34 Johnston Street and 204 Tarcutta Street Wagga Wagga as shown in Attachment 6 in the Planning Proposal.		
Street :			
Suburb :		City :	Postcode :
Land Parcel :	ITEM 4 - Land zoned R1, R3, B1, B4, B5 IN1, IN2, RE1, RE2, E2, E4, W1 and W2		

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Street :

Suburb :

City :

Postcode :

Land Parcel : **ITEM 5 - Lot 20 DP 22260 Spring Street, Wagga Wagga as shown in Attachment 7 of the Planning Proposal**

Street :

Suburb :

City :

Postcode :

Land Parcel : **ITEM 6 - Lot 206 DP 751422 and Lot 205 DP 1084989, McPherson Oval Frederick Street Wagga Wagga as shown in Attachment 8 of the Planning Proposal**

Street :

Suburb :

City :

Postcode :

Land Parcel : **ITEM 7 - Lot 22 DP 1172986 as shown in Attachment 9 of the Planning Proposal**

Street :

Suburb :

City :

Postcode :

Land Parcel : **ITEM 8 - Lot Size Map - change the scale of the map to 1:20,000**

Street :

Suburb :

City :

Postcode :

Land Parcel : **ITEM 9 - Part of Lots 11 DP 816780, Lot 1 DP 719938, Lot 2 DP 719938 and Part Lot 50 DP 751422 as shown in Attachment 10 of the Planning Proposal**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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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**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		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 : **FLOOD PRONE LAND - ITEM 2 - LAKE ALBERT ROAD**
Council provided additional information on the 11 July 2014 relating to Item 2 - Lake Albert Road - proposed B4 Mixed Use Zone, in response to an inconsistency with s117 Direction 4.3 Flood Prone Land. Parts of the land are flood prone and the change of Zone from IN1 General Industrial Zone to B4 Mixed Use zone will permit residential development. The additional information indicated that parts of the site that are flood prone are inundated in a 1:100 year flood level (riverine flooding) of between 0.13 metres and 0.83 metres. Areas affected by overland flooding are classed as 'low hazard' and are not widespread.

Council has concluded that the flood impact on any future residential development is of minor significance.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives clearly outlines the proposed amendments to Wagga Wagga LEP 2010.**

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

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

Comment : **The planning proposal provides an explanation of the provisions to amend Wagga Wagga LEP 2010.**

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

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

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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

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

d) Which SEPPs have the RPA identified?

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

S117 DIRECTION 4.3 FLOOD PRONE LAND

This Direction applies to all planning proposals that creates, removes or alters a zone or provision that affects flood prone land.

Council has identified an inconsistency with s117 Direction 4.3 Flood Prone Land for items 1, 2, 3 and 5 because all of these items affect zones/provision on flood prone land.

ITEM 1 - St Luke's Anglican Church (Shaw and Docker Street) - R1 General residential Zone to R3 Medium Density Residential Zone.

Council has indicated in the Planning Proposal the amendments are not likely to cause additional flooding concerns because the site is an existing residential precinct and it is not proposed to increase the intensity of development. The inconsistency is considered to be of minor significance.

Recommendation: That the Acting Secretary's delegate approves the inconsistency with S117 Direction 4.3 Flood Prone Land because the inconsistency is of minor significance.

ITEM 2 -

Sturt Highway - IN1 General Industrial Zone/IN2 Light Industrial Zone to B6 Enterprise Corridor Zone and B4 Mixed Use Zone. The site is already zoned for development as an industrial precinct and changing the zone to B6 Enterprise Corridor zone (no residential development permitted) is unlikely to cause any additional flooding concerns compared to the existing zone. Council has concluded that the inconsistency with s117 Direction 4.3 Flood Prone Land is of minor significance.

Lake Albert Road - Council seek to rezone land on land fronting Lake Albert Road from IN1 to B4 Mixed Use Zone. The site adjoins other land currently zoned B4 Mixed Use Zone.

The land is partly flood prone (riverine flooding and overland flow flooding) and the rezoning will permit residential accommodation on land where residential development is currently prohibited. Council has provided additional information on the extent and severity of flooding on the land. During a 1:100 year flood event (riverine flooding) flood levels range from 0.13 metres to 0.83 metres. Only parts of the site are affected by flooding and there is adequate flood free land for residential development. Overland

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flow flooding is not widespread and adequate flood free land is available for residential development. Council has concluded that the inconsistency with s117 Direction 4.3 Flood Prone Land is of minor significance.

Recommendation: That the Acting Secretary's delegate approves the inconsistency with S117 Direction 4.3 Flood Prone Land because the inconsistency is of minor significance. It is further recommended that the Council consult with the Office of Environment and Heritage - flood Unit in relation to items affected by flood prone land.

ITEM 3 - SP1 Zone to B4 Mixed Use Zone. The site is within an existing urban area within the Wagga Wagga CBD. Adjoining land is zoned B3 Commercial Core. The land is located within the Wagga Wagga Flood Levee that protects the CBD and surrounds from flooding at a level below the 1:100 year flood. Council considers the inconsistency with s117 Direction 4.3 Flood Prone Land is of minor significance.

Recommendation: That the Acting Secretary's delegate approves the inconsistency with S117 Direction 4.3 Flood Prone Land because the inconsistency is of minor significance.

ITEM 5 - RE1 Public Recreation Zone to R1 General Residential Zone. The site in Spring Street is surrounded by residential development (R1 General Residential Zone). This area is already a residential precinct. Council has explained that although the site is on flood prone land there are portions within the site that are flood free. The Council considers that the inconsistency with s117 Direction 4.3 is of minor significance.

Recommendation: That the Acting Secretary's delegate approves the inconsistency with S117 Direction 4.3 Flood Prone Land because the inconsistency is of minor significance.

S117 DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

Item 2 (rezone land to B6 Enterprise Corridor Zone and B4 Mixed Use Zone), Item 3 (rezoned land to B3 Commercial Core Zone), Item 4 (amendments to the land use table), item 6 (rezone McPherson Oval to RE1 Public Recreation Zone) and Item 9 (amend the lot size applying to R5 land at Gobbagombalin) trigger consultation with the NSW Rural Fire Service under s117 Direction 4.4 Planning for Bushfire Protection. This requirement has been acknowledged in the Planning Proposal.

Recommendation: That a condition of the Gateway Determination require consultation with the NSW Rural Fire Service prior to exhibition of the plan to ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection.

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 only.

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

If No, explain :

Item 2 Lake Albert Road - Council has adequately justified rezoning land from IN1 to B4 Mixed Use Zone. The land is flood prone and the rezoning will permit residential accommodation on land where residential development was prohibited. Council provided additional information on the 11 July 2014 explaining the extent and severity of flooding on flood prone land to be used for residential development. Council has concluded that the flood impact and inconsistency with s117 Direction 4.3 Flood Prone Land is of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping has been provided as part of the Planning Proposal that identifies the sites and the proposed LEP Map amendments.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Yes. Council has outlined proposed community consultation in Part 5 of the Planning Proposal. Council has recommended that the Planning Proposal be exhibited for public comment for 28 days.**

Recommendation: That the Gateway Determination include a condition that community consultation be undertaken for a minimum of 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 : **The planning proposal meets the 'Adequacy' criteria.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Wagga Wagga LEP 2010 was notified in 2010.**

Assessment Criteria

Need for planning proposal :

ITEM 1 - R3 MEDIUM DENSITY RESIDENTIAL ZONE - SHAW STREET

Item 1 is in response to a request from the Anglican Church (see Attachment 1 of the PP) to permit a cafe on land owned by the Church. Cafes are currently prohibited in the R1 General Residential Zone but will be permissible under the proposed R3 Medium Density Residential Zone.

Council has concluded that there is merit for a cafe in close proximity to the Wagga Wagga Base Hospital. The land is also in close proximity to adjoining land zoned R3 Medium Density Zone and contains a mix of existing houses and residential flat buildings. The proposed R3 Medium Density Zone is therefore consistent with the existing and future character of the area.

Recommendation: The proposal to rezone land along Shaw and Docker Street to R3 Medium Density Residential Zone is supported.

ITEM 2 - B4 MIXED USE ZONE AND B6 ENTERPRISE CORRIDOR ZONE - STURT HWY, HAMMOND AV AND LAKE ALBERT ROAD

(a) Rezoning Sturt Highway

Council has concluded that replacing the IN1 General Industrial Zone/IN2 Light Industrial Zone to B6 Enterprise Corridor Zone along the Sturt Highway and Hammond Avenue better reflects the existing mix of industrial, business and retail uses along the Hammond Avenue/Sturt Highway and provides a greater opportunity for bulky goods premises.

The proposed B6 zone will also compliment other planning proposals to rezone land along the Sturt Highway, Gumly Gumly to B6 Enterprise Corridor Zone (PP 2012 WAGGA 007 00 and PP 2013 WAGGA 004 00).

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The sites front the Sturt Highway and therefore Council should be required to consult with Transport NSW - Roads and Maritime Services.

Recommendation:

1. The proposal to rezone land along the Sturt Highway/Hammond Avenue to B6 Enterprise Corridor Zone is supported.
2. The Gateway Determination be conditioned requiring consultation with the Transport NSW - Roads and Maritime Services.

Lake Albert Road

Land along Lake Albert Road proposed to be rezoned from 1N1 General Industrial Zone to B4 Mixed Use Zone will provide an opportunity for a greater mix of commercial and residential land uses in close proximity to the CBD. The site adjoins land to the north that is already zoned B4 Mixed Use Zone along Edward Street (Sturt Highway).

Council has acknowledged that part of this land is flood prone and triggers an inconsistency with S117 Direction 4.3 Flood Prone Land. Council have justified the inconsistency with s117 Direction 4.3 on the basis that the potential flood impacts are of minor significance.

Recommendation:

The proposal to rezone land along Lake Albert Road to B4 Mixed Use Zone is supported. It is further recommended that Council consult with the Department of Environment and Heritage (Flood Unit).

(b) B6 Enterprise Corridor Zone Land Use Table

The Wagga Wagga LEP 2010 does not currently have a B6 Enterprise Corridor Zone. Under the B6 land use table 'business premises' and selected types of retail premises are permitted with consent. The following types of retail premises are to be permitted with consent in the B6 Enterprise Corridor Zone; bulky goods premises, garden centres, hardware and building supplies, landscaping material supplies, plant nurseries, rural supplies, timber yards and vehicle sales or hire premises.

Recommendation: The proposal to insert a land use table for the B6 Enterprise Corridor Zone' is supported.

(c) Local Clauses 7.8 and 7.9

The PP proposes inserting new local clauses '7.8 Primacy of the B3 Commercial Core' and '7.9 Business Premises in the B6 Enterprise Corridor Zone'. These clauses are intended to ensure the primacy of the Wagga Wagga CBD and to promote an entry statement along the Sturt Highway by encouraging large scale (minimum of 1,000 square metres) and high quality development within the B6 Enterprise Corridor Zone.

Council has justified the insertion of clause '7.8 Primacy of the B3 Commercial Core' and '7.9 Business Premises in the B6 Enterprise Corridor Zone' on the basis that similar clauses have been used the following standard instrument LEPs to protect CBDs and the objectives of the B6 Enterprise Corridor Zone;

Wyang LEP 2013 - clause 7.16

Coffs Harbour LEP 2013 - clause 7.13

Dubbo LEP 2011 - clause 7.11 and 7.12

Port Macquarie-Hastings LEP 2011 - clause 7.11.

Coffs Harbour LEP 2013 - clause 7.13 'Central Business District' is identical to proposed clause 7.8 Primacy of the B3 Commercial Core.

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Wyong LEP 2013 - clause 7.16 'Bulky Goods premises at Kanwal B6 Enterprise Corridor Zone' is similar to the proposed clause 7.9 Business Premises in the B6 Enterprise Corridor Zone.

Recommendation: The proposal to insert local clauses '7.8 Primacy of the B3 Commercial Core' and '7.9 Business Premises in the B6 Enterprise Corridor Zone' is supported.

(d) Amend clause 4.6

The planning proposal intends amending clause 4.6 to ensure that the 1,000 square metre minimum floor area applied to 'Business Premises' in the B6 Enterprise Corridor Zone cannot be varied. This provision is intended discourage small format 'business premises' within the B6 Enterprise Corridor Zone that, if permitted in the B6 Zone, may have a detrimental economic impact on the viability of the Wagga Wagga CBD.

Recommendation: The proposal to create a land use table for the B6 Enterprise Corridor Zone, insert local clauses '7.8 Primacy of the B3 Commercial Core' and '7.9 Business Premises in the B6 Enterprise Corridor Zone' and amend clause 4.6 is supported.

ITEM 3 - B3 COMMERCIAL CORE ZONE - JOHNSTON AND TARCUTTA STREET

Four lots zoned SP 1 Special Activities Zone are proposed to be zoned B3 Commercial Core Zone with a floor space ratio of 2:1 and 16 metre height restriction. The rezoning has been justified on the basis that the lots adjoin land to the west fronting Tarcutta Street and Johnston currently that are zoned B3 Commercial Core Zone.

Recommendation: The proposal to rezone land along Tarcutta Street and Johnston Street to B3 Commercial Core Zone with a 2:1 FSR and maximum building height of 16 metres is supported.

ITEM 4 - AMENDMENTS TO THE LAND USE TABLE

Council is proposing amendments to the land use table for the R1, R3, B1, B4, B5, IN1, IN2, RE1, RE2, E2, E4, W1 and W2 zones. These amendments are in response to a review by Council and are not inconsistent with the SI LEP or the zone objectives. They are generally minor changes.

Recommendation: The proposal to amend the land use table for R1, R3, B1, B4, B5, IN1, IN2, RE1, RE2, E2, E4, W1 and W2 zones is supported.

ITEM 5 RE1 PUBLIC RECREATION ZONE TO R1 GENERAL RESIDENTIAL ZONE - SPRING STREET

Council owned 'Operational Land' that is proposed to be rezoned from RE1 Public Recreation Zone to R1 General Residential Zone. A public hearing under the Local Government Act is therefore not required to sell the land.

Council have justified the rezoning to enable the sale of the land. The site consists of a bicycle education track that is in poor condition and Council no longer wishes to maintain the site.

The land is located within an existing residential area and the rezoning will be consistent with the surrounding residential zone and housing.

Recommendation: The proposal to rezone Council owned land in Spring Street from RE1 Public Recreation Zone to R1 General Residential Zone is supported.

ITEM 6 - RU5 VILLAGE ZONE TO RE1 PUBLIC RECREATION ZONE - MCPHERSON OVAL
McPherson Oval is a Council owned recreation area and, consistent with other Council

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owned recreational areas, Council wishes to zone the land RE1 Public Recreation Zone.

Recommendation: The proposal to rezone McPherson Oval from RU6 Village Zone to RE1 Public Recreation Zone is supported.

ITEM 7 - AMEND RECLASSIFICATION OF (PART LOTS) MAPS

Lot 22 DP 1172986 is privately owned land and was inadvertently included in land being reclassified under a delegated amendment to Wagga Wagga LEP 2010 i.e. Wagga Wagga LEP 2010 (Amendment No. 8). Lot 22 was not part of the planning proposal for Amendment No 8 and therefore should not have been included on the Reclassification (Part Lots) Map.

Recommendation: The proposed amendment to correct an anomaly with the Wagga Wagga LEP 2010 - Reclassification of (Part lots) Map is supported.

ITEM 8 - AMEND THE SCALE AND GRID OF THE LOT SIZE MAP

The Lot size Map and Land Zoning Map use different scales and map grids. The larger scale of the Lot Size Map (1: 160,000) makes interpretation difficult, particularly within the urban areas of Wagga Wagga.

The Department has been encouraging Council to revise the mapping scale and grids used for the Lot Size Map to make it consistent with the Land Zoning Map, i.e. a scale of 1:20,000.

Recommendation: The proposed amendment Lot Size Map to change map scale to 1:20,000 and grid pattern on the Lot Size Map is supported.

ITEM 9 AMEND LOT SIZES APPLYING TO R5 ZONED LAND AT GOBBAGOMBALIN

Council is seeking to reduce the minimum lot size applying to a strip of R5 Large Lot Residential Zone on land adjacent to Charles Sturt University. The strip of R5 Large Lot Residential Zone acts as a buffer between the University and R1 General Residential zoned land to the south. Council has determined that the current 2 ha minimum lot size applied to the R5 Large Lot Residential zone is unnecessary and wish to apply a 4,000 m2 and 6,000 m2 lot size based on a master plan for the locality. The smaller minimum lot size will encourage residential subdivision to create lot sizes that can still act as a buffer between the University and the R1 General Residential Zone.

Recommendation: The proposed amendment Lot Size Map to change the minimum lot size from 2 ha to 6,000 m2 and 4,000 m2 on land zoned R5 Large Lot Residential Zone at Gobbagombalin is supported.

Consistency with strategic planning framework :

Council has indicated that all of the items are consistent with the Wagga Wagga Spatial Plan 2013 - 2043 adopted by Council.

The Spatial Plan was adopted by the Director General's delegate on the 27 February 2014.

Environmental social economic impacts :

It is not anticipated that there will be any adverse environmental, social or economic impacts arising from items in the planning proposal.

The Council has provided information indicating that the impacts of development of flood prone land is of minor significance (see response to s117 Direction 4.3 Flood Prone Land).

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Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

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 :

Nil

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_3_July_2014.pdf	Proposal	Yes
Covering_letter.pdf	Proposal Covering Letter	Yes
Addtn_info_WWCC_FloodProneLand_Item 2_11072014.pdf	Proposal	Yes
Attachment 2_Item 2_Proponents_ Planning Proposal.pdf	Proposal	Yes
Attachment 3_Item 1 Indicative Zoning Map.pdf	Proposal	Yes
Attachment 4_Item 2 Affected lots.pdf	Proposal	Yes
Attachment 5_Item 2 Indicative Zoning Map.pdf	Proposal	Yes
Attachment 6_Item 3 Indicative Zoning FSR HOB Map.pdf	Proposal	Yes
Attachment 7_Item 5 Indicative Zoning Map.pdf	Proposal	Yes
Attachment 8_Item 6 Indicative Zoning Map.pdf	Proposal	Yes
Attachment 10_Item 9 Indicative Lot Size Map.pdf	Proposal	Yes
Attachment 9_Item 7 Indicative Land Reclassification Map.pdf	Proposal	Yes
Information_Checklist.pdf	Proposal	Yes
Attachment 1 - Item 1_Application to amend the WWLEP - St Luke's Anglican Church.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**
- 3.4 Integrating Land Use and Transport**
- 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 Acting General Manager, Southern Region as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wagga Wagga Local Environmental Plan 2010 to amend the Land Zoning Map, Lot Size Map, Height of Building Map, Floor Space Ratio Map, Reclassification of (Part Lots) Map, land use table and insert/amend local clauses (nine items) 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 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).

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

- Department of Environment and Heritage (Flood Unit)
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The 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.

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 or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use its delegation to complete the LEP following public consultation while the planning proposal remains generally in its current form.

Amend Wagga Wagga LEP 2010 - Nine Items that amend the Land Zoning Map, Lot Size Map, Height of Buildings Map, Floor Space Ratio Map, Reclassification of (Part Lots) Map, land use table and insert/amend local clauses

6. The Director General can be satisfied that the inconsistencies of the planning proposal with S117 Directions 4.3 Flood Prone Land are of minor significance.

7. 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.

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

Supporting Reasons :

The proposed amendments provide opportunity for employment and address current anomalies in the plan.

Signature:



Printed Name:

Graham Towers

Date:

28/7/14.

