

Amend Wagga Wagga LEP 2010 - Rezone part 7159 Dunns Road to RU1 and R5 Zones

Proposal Title :	Amend Wagga Wagga LEP 2010 - Rezone part 7159 Dunns Road to RU1 and R5 Zones		
Proposal Summary :	Wagga Wagga City Council seeks to; 1. rezone part Lot 1 DP 1013392 (approximately 7.8 ha), Holbrook Road, from RU1 Primary Production Zone (100 ha minimum lot size (MLS)) to R5 Large Lot Residential Zone (2 ha MLS), and 2. rezone part Lot 2 DP 1065108 (approximately 13.1 ha), Holbrook Road from R5 Large Lot Residential Zone (8 ha MLS) to RU1 Primary Production Zone (100 ha MLS). 3. change the minimum lot size from 8 ha to 2 ha (approximately 12 ha) on land (Part Lot 2 DP 1065108) currently zoned R5 Large Lot Residential Zone.		
PP Number :	PP_2012_WAGGA_005_00	Dop File No :	12/0908

Proposal Details

Date Planning Proposal Received :	23-May-2012	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 :	Holbrook Road		
Suburb :	Springdale	City :	Wagga Wagga
Land Parcel :	Part Lot 1 DP 1013392	Postcode :	2650
Street :	Dunns Road		
Suburb :	Springdale	City :	Wagga Wagga
Land Parcel :	Part Lot 2 DP 1065108	Postcode :	2650

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 :		Release Area Name :	
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
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 :

External Supporting Notes :

1. The PP will result in a net gain in land zoned RU1 Primary Production Zone (5.3 ha).
2. The PP will also consolidate the R5 Large Lot Residential zoned land into a more manageable parcel for residential subdivision by reducing the length of the boundary between the R5 Large Lot Residential Zone and RU1 Primary Production Zone, potentially reducing land use conflict between residential and rural land, and making more efficient provision of public infrastructure.

3. The 2 ha lot size is proposed to be applied to approximately 7.8 ha of proposed R5 Large Lot Residential Zone and approximately 12 ha of existing R5 Large Lot Residential Zone. The proposed 2 ha MLS is consistent with existing rural residential development on adjacent land.

4. Council has indicated that the land is not flood prone land.

5. Council has indicated that a small part of the land is identified as bush fire prone land (Vegetation Category 2).

6. The PP is accompanied by an ecological assessment by GHD dated March 2012 (Attachment C). The study has been prepared in response to advice from the Office of Environment and Heritage indicating that part of the study area falls outside the area of the LEP that has been biocertified by the OEH. The study includes a seven part test in accordance with the Threatened Species Conservation Act 1995. The study concludes that the proposed residential subdivision (Figure 1.3 Proposed Subdivision) on land zoned, or to be zoned, R5 Large Lot Residential is unlikely to have any significant impact on threatened species and ecological communities under the NSW Threatened Species Act 1995 or the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999.

Adequacy Assessment

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

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

Comment : **Clearly explains the proposed changes to zones and lot sizes.**

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

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

Comment : **Clearly explains how and where the Land Zoning and Lot Size Maps will be amended.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

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? **No**

If No, explain :

s117 DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

Council has confirmed with the Regional Office on the 30/5/2012 that the land is partly mapped as bushfire prone land. The Direction requires Council to consult with the NSW Rural Fire Service (RFS) and take into account any comments it makes prior to

exhibition. Council has not yet consulted with the RFS.

Recommendation: That the Gateway Determination be conditioned to require Council to consult with the RFS and take into account any comments it makes prior to community consultation.

s117 DIRECTION 1.2 RURAL ZONES AND 1.5 RUAL LANDS

The Council has stated in the PP that the proposed rezoning of 7.8 ha of land from RU1 Primary Production Zone (100 ha MLS) to R5 Large Lot Residential Zone (2 ha MLS), and the subsequent inconsistency with s117 Direction 1.2 and 1.5, is of 'minor significance'.

Recommendation: The Director General be satisfied that the inconsistency of the PP with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance.

SEPP (RURAL LANDS) 2008

The PP indicates that the proposed rezoning of 7.8 ha of land from RU1 Primary Production Zone (100 ha MLS) to R5 Large Lot Residential Zone (2 ha MLS) is consistent with the SEPP (RURAL LANDS) 2008.

SEPP 55 REMEDIATION OF LAND

In response to the requirements of SEPP 55 Council has advised the Regional Office that the land is not contaminated.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The PP states that community consultation will be at the discretion of the Department as part of the Gateway Determination. The Southern Regional Office recommends a 14 day exhibition period in light of the minor nature of the proposal.

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 : The PP does not adequately satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection. A Gateway Condition requiring consultation with the NSW Rural Fire Service prior to community consultation will address the inconsistency with this Direction.

Proposal Assessment

Principal LEP:

Due Date : **July 2010**

Comments in relation to Principal LEP : The Wagga Wagga LEP 2010 is a standard instrument LEP notified in July 2010.

Assessment Criteria

Need for planning proposal :	Council has adequately justified the PP and that it is of minor significance. The PP will consolidate the R5 Large Lot Residential zoned land into a more manageable parcel for residential subdivision by reducing the length of the boundary between the R5 Large Lot Residential Zone and RU1 Primary Production Zone, potentially reducing land use conflict between residential and rural land, and enable more efficient provision of public infrastructure. The 2 ha lot size is proposed to be applied to approximately 7.8 ha of proposed R5 Large Lot Residential Zone and approximately 12 ha of existing R5 Large Lot Residential Zone. The proposed 2 ha MLS to be applied to the R5 Large Residential Zone is consistent with existing rural residential development adjacent to the site.
Consistency with strategic planning framework :	The PP is a minor spot rezoning to reconfigure the boundaries of the RU1 Primary Production Zone and R5 Large Lot Residential Zone and to apply a MLS of 2 ha in the R5 Large Lot residential Zone, consistent with the subdivision pattern on adjoining residential land.
Environmental social economic impacts :	ENVIRONMENTAL IMPACT The PP is accompanied by an ecological assessment by GHD dated March 2012 (Attachment C). The study has been prepared in response to advice from the Office of Environment and Heritage indicating that part of the study area falls outside the area of the LEP that has been biocertified by the OEH. The study includes a seven part test in accordance with the Threatened Species Conservation Act 1995. The study concludes that the proposed residential subdivision (Figure 1.3 Proposed Subdivision) on land zoned, or to be zoned, R5 Large Lot Residential is unlikely to have any significant impact on threatened species and ecological communities under the NSW Threatened Species Act 1995 or the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. SOCIAL AND ECONOMIC IMPACTS The PP is unlikely to have any adverse social or economic impacts.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Department of Primary Industries - Agriculture NSW Rural Fire Service		
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 :			

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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 Dunns Road.pdf	Proposal	Yes
Covering letter WWCC.pdf	Proposal Covering Letter	Yes
Attachment A - Site ID - Dunns Road LZN.pdf	Map	Yes
Attachment B - Site ID - Dunns Road LSZ.pdf	Map	Yes
Extract of Proposed Lot Size Map Changes.pdf	Map	Yes
Figure 1.3 E_Rezoning Plan.pdf	Proposal	Yes
Planning Proposal - Section 117 Dunns Road.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council resolution.pdf	Proposal	Yes
Attachment C - Ecological Assessment.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

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

A. rezone part Lot 1 DP 1013392 (approximately 7.8 ha), Holbrook Road, from RU1 Primary Production Zone (100 ha MLS) to R5 Large Lot Residential Zone (2 ha MLS),

B. rezone part Lot 2 DP 1065108 (approximately 13.1 ha), Dunns Road from R5 Large Lot Residential Zone (8 ha MLS) to RU1 Primary Production Zone (100 ha MLS), and

C. change to minimum lot size from 8 ha to 2 ha (approximately 12 ha) on land (Part Lot 2 DP 1065108) currently zoned R5 Large Lot Residential Zone,

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 is classified as low impact as described in "A Guide to Preparing LEPs" (Department of Planning 2009) and must be made publicly available for

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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

- Office of Environment and Heritage
- NSW Rural Fire Service
- Department of Primary Industries – Agriculture

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 it 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 9 months from the week following the date of the Gateway determination.

5. The Council is required to consult with the NSW Rural Fire Service and take into account any comments it makes prior to community consultation. This will ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection.

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

7. No further consultation in respect of s117 Directions is required for the planning proposal while it remains in its current form.

Supporting Reasons :

1. The PP is considered low impact and therefore public consultation is 14 days consistent with the Department's guidelines.
2. Consultation is required with relevant State agencies on the change of rural zone to a residential zone.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

1st June 2012