

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**

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.

Panel Recommendation

Recommendation Date : 07-Jun-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

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 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. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW

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

Rural Fire Service and, prior to undertaking community consultation. Council is to take into account any comments made and amend the planning proposal (if necessary) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

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

Signature: _____

Printed Name: _____

Date: _____