



Ref: Strategic Planning
Contact: Crystal Golden

18 April 2013

Mr Brett Whitworth
Regional Director, Southern Region
Department of Planning and Infrastructure
PO Box 5475
WOLLONGONG NSW 2520

Dear Brett

Submission of Planning Proposal to amend Wagga Wagga Local Environmental Plan 2010 (WWLEP) – Amendments to land within Lloyd Urban Release Area (URA) zoning anomalies

On 25 February 2013 at the Ordinary Council meeting, Wagga Wagga City Council (WWCC) resolved to send the attached planning proposal to the Department of Planning and Infrastructure for Gateway Determination to amend the WWLEP 2010.

It is requested that the Minister allow the General Manager of WWCC delegation for the making of this LEP amendment. A response to the '*Evaluation criteria for the issuing of an Authorisation*' is attached to this letter.

The planning proposal seeks to rezone land within the Lloyd URA and amend minimum lot sizes to reflect the adopted master plan.

Please find enclosed a copy of the following for your information:

- The Council Report;
- The Planning Proposal and attachments, prepared in accordance with section 55 of the *Environmental Planning & Assessment Act 1979* and *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*;
- 'Information checklist' of the DOPI's *Guide to preparing planning proposals*; and
- 'Evaluation criteria for the issuing of an authorisation' of the DOPI's *Guide to preparing local environmental plans*



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In accordance with section 56(1) of the *EP&A Act*, it is requested that the Minister issue a Gateway Determination in support of the attached planning proposal.

Should you require any further information or have any questions about this matter, please contact me by telephone (02) 6926 9556 or email golden.crystal@wagga.nsw.gov.au.

Yours sincerely

Crystal Golden
A/Manager Strategic Planning

ATTACHMENT 1 - INFORMATION CHECKLIST

STEP 1: REQUIRED FOR ALL PROPOSALS (under s55(a) - (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS (Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context					
Demonstrated consistency with relevant Regional Strategy	X		Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)		X
Demonstrated consistency with relevant Sub-Regional strategy	X		Sea level rise		X
Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	X		Urban Design Considerations		
Demonstrated consistency with Threshold Sustainability Criteria	X		Existing site plan (buildings, vegetation, roads, etc)	✓	
Site Description/Context			Building mass/block diagram study (changes in building height and FSR)		X
Aerial photographs	X		Lighting impact		X
Site photos/photomontage	X		Development yield analysis (potential yield of lots, houses, employment generation)		X
Traffic and Transport Considerations			Economic Considerations		
Local traffic and transport	X		Economic impact assessment		X
TMAP	X		Retail centres hierarchy		X
Public transport	X		Employment land		X
Cycle and pedestrian movement	X		Social and Cultural Considerations		
Environmental Considerations			Heritage impact		X
Bushfire hazard	X		Aboriginal archaeology		X
Acid Sulphate Soil	X		Open space management		X
Noise impact	X		European archaeology		X
Flora and/or fauna	X		Social & cultural impacts		X
Soil stability, erosion, sediment, landslip assessment, and subsidence	X		Stakeholder engagement		X
Water quality	X		Infrastructure Considerations		
Stormwater management	X		Infrastructure servicing and potential funding arrangements		X
Flooding	X		Miscellaneous/Additional Considerations		
Land/site contamination (SEPP55)	X		List any additional studies		

Attachment 4 - Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:

Wagga Wagga City Local Government Area

Name of draft LEP:

Lloyd Urban Release Area Zoning anomalies

Address of Land (if applicable):

Various-

Intent of draft LEP:

To rezone land and amend minimum lot sizes to land within the Lloyd Urban Release Area to reflect the adopted masterplan

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?		✓		
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Y	✓		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		✓		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		✓		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		✓		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		✓		
Is the planning proposal proposed to rectify an anomaly in a classification?		✓		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		✓		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		✓		

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?	✓	
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i>?	✓	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	✓	
Spot Rezoning	Y/N	
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N	
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N	
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N	
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	✓	
Does the planning proposal create an exception to a mapped development standard?	N	
Section 73A matters		
Does the proposed instrument		
a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;	✓	
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or		
c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?		
(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		
NOTES - Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. - Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.		