

Amend Wagga Wagga LEP 2010 - Correct LEP mapping anomalies in the Lloyd URA

Proposal Title : **Amend Wagga Wagga LEP 2010 - Correct LEP mapping anomalies in the Lloyd URA**

Proposal Summary : **Council has prepared a planning proposal (PP) to amend Wagga Wagga LEP 2010 to correct LEP mapping anomalies associated with the Lloyd urban release area (URA). The mapping corrections will make various alterations to the boundary of zones within the URA.**

The correction of anomalies on the Land Zoning Map will also require amendments to the Lot Size Map, Urban Release Area Map, Land Reservation Acquisition Map and Protected Regrowth Map.

The proposed LEP mapping amendments will make the LEP consistent with the Lloyd URA adopted masterplan and approved residential subdivision within the URA.

The PP clearly explains that an area of land shown on Attachment 4, identified as 'Area A', is not included in the PP. The land was included in the PP in a report to Council, however, Council officers identified that the site is Crown Land, not private land, and is used to gain access to the Wiradjuri walking track.

PP Number : **PP_2013_WAGGA_003_00**

Dop File No :

13/06985

Proposal Details

Date Planning
Proposal Received : **19-Apr-2013**

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 : **The PP affects land within and adjoining the Lloyd URA. Land affected by the PP is shown on Attachment 3 submitted as part of the PP.**

DoP Planning Officer Contact Details

Contact Name : **Graham Judge**
Contact Number : **0262297906**
Contact Email : **graham.judge@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Nicole Dukinfield**
Contact Number : **0269269556**
Contact Email : **Dukinfield.Nicole@wagga.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Mark Parker**
Contact Number : **0242249468**
Contact Email : **mark.parker@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :
If Yes, comment :

Supporting notes

Internal Supporting Notes : **DELEGATION PLAN MAKING FUNCTIONS**
Council has requested that the Department issue it with an Authorization of plan making functions. The Evaluation of the criteria for delegation, completed by both Council and the Department, is attached.

External Supporting Notes : **The PP will make the following changes to the Land Zoning Map and Lot Size Map:**

- 1. R1 to RE1 – zoning amendment (14524sqm).**
- 2. E2 to RE1 – zoning amendment (1940sqm).**
- 3. RE1 to E2 – zoning amendment (510sqm).**
- 4. RU1 to E2 – zoning amendment and minimum lot size amendment from 200ha to nil**

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- (2270sqm).
5. R1 to E2 - zoning amendment and minimum lot size amendment from nil to 200ha (22601sqm).
6. RE1 to R1 - zoning amendment (10133sqm).
7. RU1 to R1 - zoning amendment and minimum lot size amendment from 200ha to nil (46187sqm).
8. R5 to R1 - zoning amendment (2785sqm).
9. E2 to R1 - zoning amendment and minimum lot size amendment from 200ha to nil (2375sqm).
10. RE1 to RU1 - zoning amendment and minimum lot size from nil to 200ha (3076sqm).
11. R1 to RU1 - zoning amendment and minimum lot size from nil to 200ha (54090sqm).
12. R5 to RU1 - zoning amendment and minimum lot size from nil to 200ha (1513sqm).
13. B1 to RU1 - zoning amendment and minimum lot size from nil to 200ha (1486sqm).
14. RU1 to B1 - zoning amendment and minimum lot size from 200ha to nil (326sqm).
15. R1 to R5 - zoning amendment (3742sqm).

DELEGATION PLAN MAKING

Council has requested that the Department issue it with an Authorization of plan making functions.

Adequacy Assessment

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

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

Comment : Council has clearly stated in the PP that the amendment to the LEP is being undertaken to reflect an adopted masterplan for the Lloyd URA.

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

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

Comment : The PP clearly states that the mapping corrections will affect the Land Zoning Map, Lot Size Map, Urban Release Area Map, Land Reservation Acquisition Map and the Protected Regrowth Map.

The PP includes diagrams that show the proposed zone and lot size changes (see Attachments 3 and 4)

Justification - s55 (2)(c)

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

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

4.4 Planning for Bushfire Protection

6.2 Reserving Land for Public Purposes

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? **Yes**

If No, explain :

SECTION 117 DIRECTION 1.2 RURAL ZONES

The PP is inconsistent with this Direction because it changes a rural zone to various urban zones and rezones environmental zones.

The PP will change the RU1 Primary Production Zone to E2 Environmental Conservation Zone (2,270m2), R1 General Residential Zone (4.6187 ha) and B1 Neighbourhood Centre Zone (326 m2), a total of 4.8783 ha.

A total of 6.0165 ha will also be rezoned from an urban zone to RU1 Primary Production Zone.

There will be a net gain of 1.1382 ha of land zoned RU1 Primary Production Zone under the PP.

Council has concluded that the inconsistency with s117 Direction 1.2 is of minor significance because the PP will rectify zoning anomalies.

Recommendation

That the Director General can be satisfied that the inconsistency with s117 Direction 1.2 is of 'minor significance'.

SECTION 117 DIRECTION 2.1 ENVIRONMENTAL PROTECTION ZONES

The PP is inconsistent with this Direction because it changes environmental zones. However, only .43ha of environmental zoned land is being zoned to other zones while 2.97ha is being zoned to environment protection, a net gain of 2.54ha.

Recommendation

That the Director General can be satisfied that the inconsistency with s117 Direction 2.1 is of 'minor significance'.

SECTION 117 DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

The Council is required to consult with the Commissioner of the NSW Rural Fire Service in the preparation of the PP once it receives a Gateway Determination and prior to community consultation. Council has acknowledged this requirement in the PP.

Recommendation

That the Director General can be satisfied that any inconsistency with s117 Direction 4.4 is removed once the Council consults with the Commissioner of the NSW Rural Fire Service and takes into account its comments prior to community consultation.

SECTION 117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The PP is inconsistent with this Direction because it creates, alters and reduces existing zonings of land for a public purpose.

The PP proposes rezoning 1.3719 ha of land zoned RE1 Public Recreation Zone to R1 General Residential Zone (1.0133 ha), E2 Environmental Conservation Zone (510 m2) and RU1 Primary Production Zone (3,076 m2).

1.6464 ha of land will be rezoned from R1 General Residential Zone (1.4524 ha) and E2 Environmental Conservation Zone (1,940 m2) to RE1 Public Recreation Zone.

The PP will create a net gain of 2.745 ha in the RE1 Public Recreation Zone.

The PP has justified the inconsistency with the Direction on the basis that it is of minor significance.

Recommendation

That the Director General approves of the changes in land zoned RE1 and he can be satisfied that any inconsistency with s117 Direction 6.2 is of 'minor significance'.

OTHER S117 DIRECTIONS

Recommendation

The Director General can be satisfied that any inconsistency with other relevant s117 Directions is only of 'minor significance'.

RURAL LANDS SEPP

The PP is consistent with the principles outlined in the Rural Lands SEPP which also satisfies the requirements of s117 Direction 1.5 Rural Lands.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The PP does not include draft LEP Maps prepared in accordance with the "Standard technical requirements for LEP maps" (November 2012 V2.0) that show the proposed changes to the LEP Maps. This is a requirement of the Department's "A guide for preparing planning proposals".

RECOMMENDATION

That a condition of the Gateway Determination require that Council prepare the draft LEP Maps in accordance with the "Standard technical requirements for LEP maps" (November 2012 V2.0) and these maps be included with the PP as part of the community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Council will rely on the Gateway Determination for a decision on the period of time for consultation.

The PP is considered to be of low impact because it proposes correcting a number of mapping anomalies associated with the Lloyd URA.

RECOMMENDATION

That community consultation is undertaken for 14 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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

Wagga Wagga standard instrument LEP 2010 was notified in July 2010.

Assessment Criteria

Need for planning proposal :	The PP clearly outlines the need for the PP, i.e. to correct inconsistencies between the LEP and the adopted masterplan/approved residential subdivision for the Lloyd URA.
Consistency with strategic planning framework :	The Lloyd URA is an existing zoned residential release area identified in Council's land use planning strategy. In addition the PP is consistent with and implements the adopted masterplan/approved residential subdivision for the Lloyd URA.
Environmental social economic impacts :	There are unlikely to be any significant adverse environmental, social or economic impacts created by the PP and LEP amendment because the purpose of the PP is to rectify minor zone boundary issues within an existing zoned urban release area. The development of the footprint and boundaries of both the urban, environmental and rural zones by Council was undertaken with substantial consultation with the Office of Environment and Heritage and Crown Lands. It is appropriate that these state agencies be consulted/ advised on the proposed changes to the zone boundaries of the Lloyd URA. The area and staging of the Lloyd URA was developed in consultation with the Office of Water in response to salinity issues. The proposal does not substantially alter the area or staging of development within the URA and therefore consultation with the Office of Water on salinity issues with Lloyd is not required. RECOMMENDATION That the Council be required to consult with the Office of Environment and Heritage and Crown Lands Office.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 Month	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Department of Trade and Investment 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 :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover_letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal_Final_20130419.pdf	Proposal	Yes
Council_report_minutes.pdf	Proposal	Yes
Attachment_1_Aerial_image.pdf	Proposal	Yes
Attachment_2_Adopted_masterplan_and_changes.pdf	Proposal	Yes
Attachment_3_Lloyd_URA_zoning_anomalies_FINAL.pdf	Proposal	Yes
Attachment_4_Area_A_exclusion.pdf	Proposal	Yes
Evaluation_criteria_for_delegation_20130419.pdf	Proposal	No

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
- 4.4 Planning for Bushfire Protection
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : The Executive Director, Rural and Regional Planning, 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 correct mapping anomalies within the Lloyd urban release area 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 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 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).

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

- Office of Environment and Heritage
- Department of Trade and Investment (Crown Lands)
- NSW Rural Fire Service (prior to community consultation)

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. Amending LEP Maps are to be prepared in accordance with 'Standard technical requirements for LEP maps' (November 2012 version 2.0) and placed on public exhibition as part of the community consultation.

4. 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).

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

6. Council is authorised to use its delegation to complete the LEP following public consultation.

7. The Director General can be satisfied that once the Council has consulted with the NSW Rural Fire Service and taken into account its response then the requirements of s117 Direction will have been fulfilled.

8. The Director General can be satisfied that the inconsistencies of the planning proposal with s117 Directions 1.2 Rural Zones, 2.1 Environmental Protection Zones and 6.3 Reserving Land for Public Purposes are of minor significance. In addition the Director General can approve of the additions and deletions of land zoned RE1 Public Recreation.

9. 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.

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 considered to be low impact and only requires 14 days community consultation.
2. S117 Direction 4.4 Planning for Bushfire Protection requires consultation with the Commissioner of the NSW Rural Fire Service prior to community consultation.
3. Draft LEP Maps prepared in accordance with the Department's mapping requirements are required as part of the PP under 'A guide for preparing planning proposals' for exhibition.

Signature:



Printed Name:

Mark Parker

Date:

24th April 2013