

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

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.

Panel Recommendation

Recommendation Date : **02-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, council is to update the planning proposal to include current and proposed lot size, land zoning, urban release area, land reservation acquisition and protected regrowth maps, which are at an appropriate scale and clearly identify the subject sites.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

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- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 LEPs (Department of Planning & Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
 - Department of Trade and Investment (Crown Lands)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- (consultation with RFS is to occur prior to community consultation)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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

Signature:



Printed Name:

NEIL SEYMOUR

Date:

3/5/13