

Wagga Wagga City Council

Planning Proposal

Amendment to the Wagga Wagga Local Environmental Plan 2010

2014/2 Grouping Planning Proposal:

- Item 1: Estella Business Zone
- Item 2: Gregadoo Waste Management Facility
- Item 3: Hill Top - Bourkelands
- Item 4: Bomen Minimum Lot Size and Zoning
- Item 5: Industrial Retail Outlet Percentage
- Item 6: Exempt Development Provisions

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22 December 2014

Revised

25 March 2015

Contact:

Crystal Golden
Senior Strategic Planner
Wagga Wagga City Council
Phone: 1300 292 442
Email: council@wagga.nsw.gov.au

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INTRODUCTION

In accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, this planning proposal has been prepared to amend provisions of the Wagga Wagga Local Environmental Plan 2010 (WWLEP) to respond to external applications, internal requests (by Council), and housekeeping amendments/anomalies. The planning proposal has been prepared in accordance with the NSW Department of Planning and Environment's Guideline '*A guide to preparing planning proposals*'.

A Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* is requested.

This planning proposal contains six (6) items to the Wagga Wagga Local Environmental Plan 2010 including amendments to both the mapping and written instrument.

The items included in the Planning Proposal have been supported by Council. A copy of the report and minutes is included in Appendix 2.

Council is seeking delegations to make this plan as the matters contained in the Planning Proposal are considered to be of local significance. The evaluation criteria for the delegation of plan making functions checklist is included in Appendix 3. In addition, the completed Information Checklist is provided in Appendix 4.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Amendments to Mapping:

Item 1: Estella Business Zone

Rezone land identified as part Lot 602 DP 1148567 and part Lot 542 DP 1179577 from RE1 Public Recreation to B2 Local Centre to align with the approved lot boundary, remove the dual zoning within the road corridor adjacent to the B2 zone and amend the land reservation acquisition map to reflect approved lot boundaries.

Item 2: Gregadoo Waste Management Facility

Rezone land identified as Lot 57 DP 757246 from RU1 Primary Production to SP1 Special Activities (Waste Disposal Facility) and remove the minimum lot size restrictions.

Item 3: Hilltop - Bourkelands

Rezone land identified in the explanation of provisions to align the E2 Environmental Conservation and RE1 Public Recreation zoning.

Item 4: Bomen Minimum Lot Size and Zoning

Rezone land identified in the explanation of provisions from IN2 Light Industrial to IN1 General Industrial; remove the minimum lot size provisions from land identified in the explanation of provisions and rezone Part Lot 4 DP 701865 from IN2 Light Industrial to RU1 Primary Production and remove part Lot 4 DP 701865 from Urban Release Area map.



Amendments to Written Instrument:

Item 5: Industrial Retail Outlet percentage

Amend the industrial retail outlet percentage in clause 5.4 (4) from 11% to the maximum threshold in the standard instrument local environmental plan of 30%.

Item 6: Exempt Development Provisions

Amend Schedule 2 Exempt Development to delete a number of exempt development provisions to ensure the local environmental plan is consistent with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and include additional exempt development provisions.

PART 2 – EXPLANATION OF THE PROVISIONS

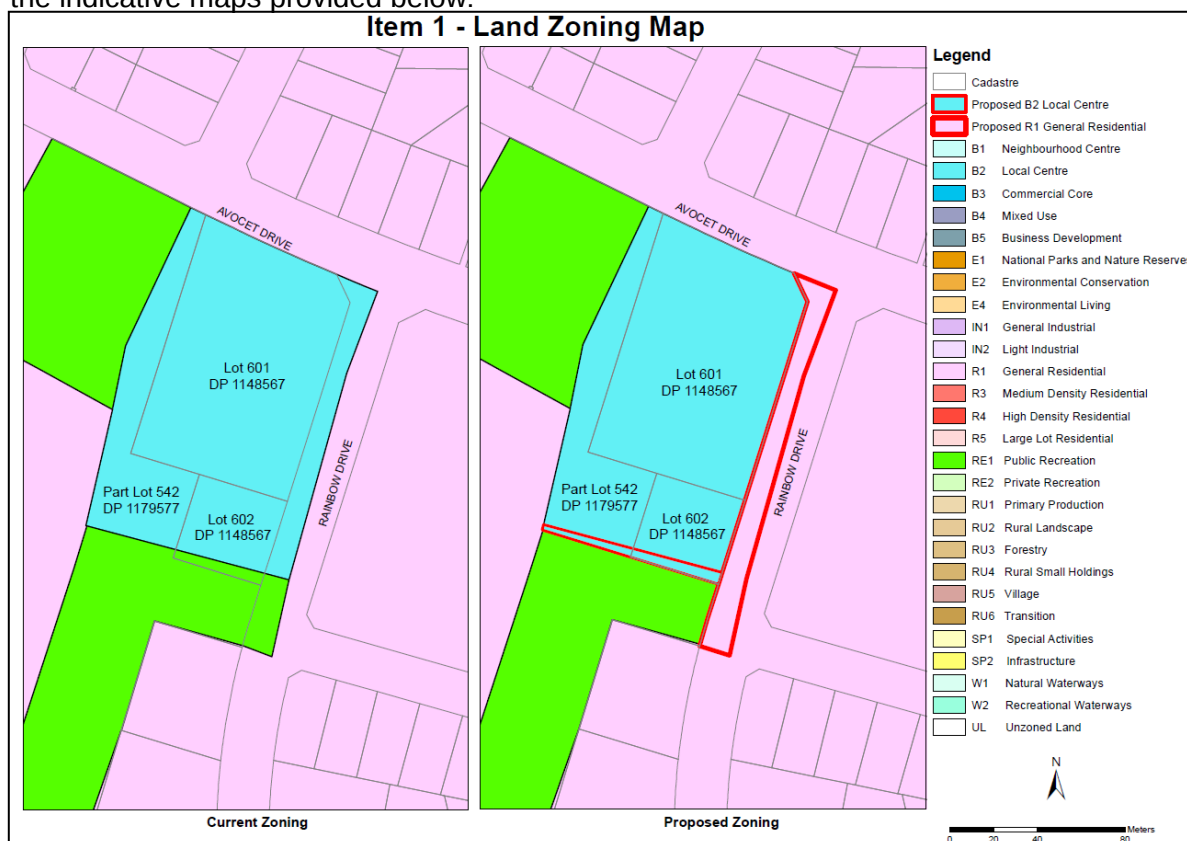
Amendments to Mapping:

Item 1: Estella Business Zone

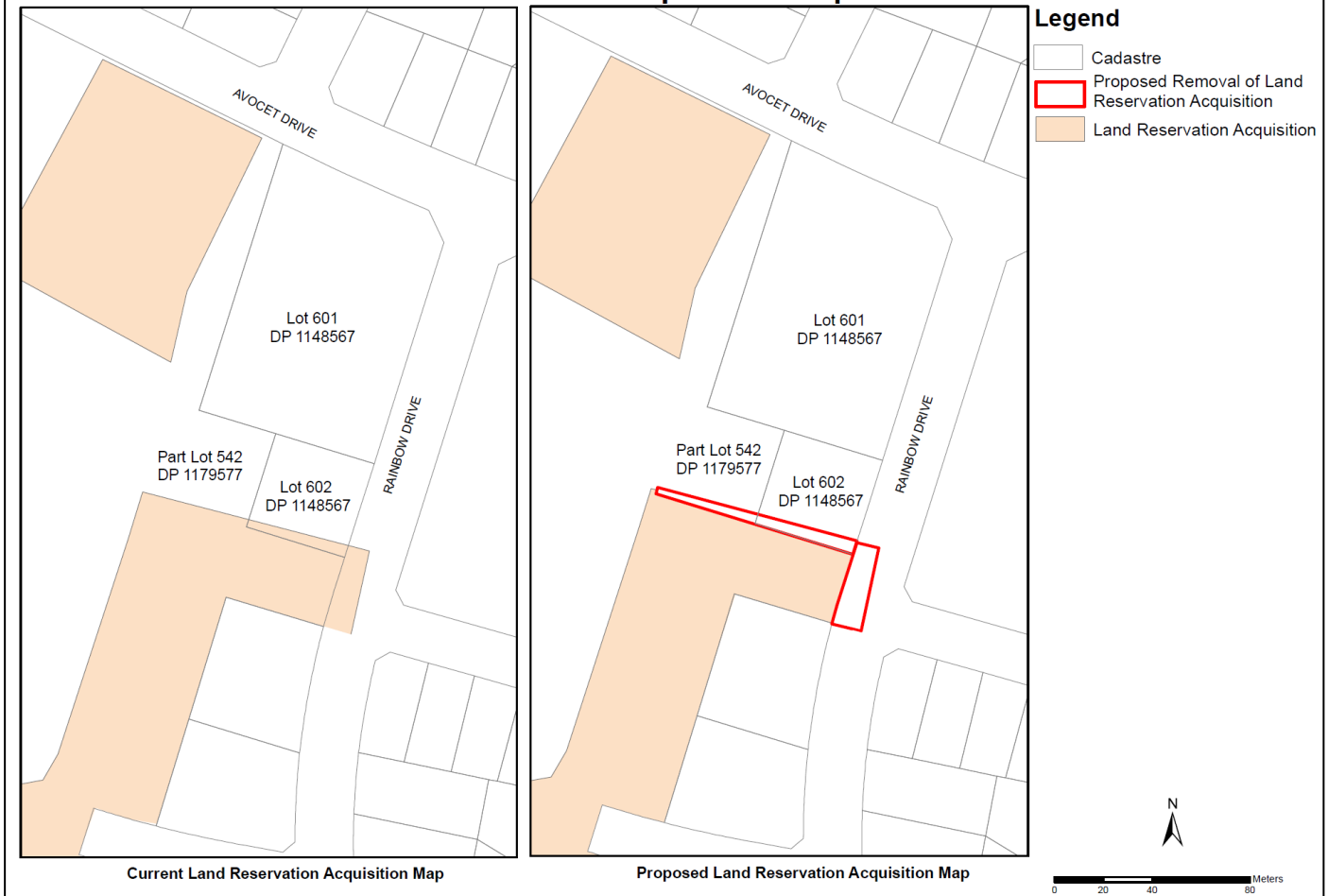
This amendment is initiated by WWCC to correct minor zoning anomalies with the B2 Local Centre zoning and land reservation acquisition map in Estella to align the zone boundary and acquisition boundary with the approved lot boundary and removing the dual zoning and acquisition within the road corridor adjacent to the B2 zone. This will also require an amendment to the land reservation acquisition map.

A subdivision application has been approved by Council to consolidate Lot 601 DP 1148567, Lot 602 DP 1148567 and Part Lot 542 DP 1179577 into one 1.310ha lot. A development application has also been received for a shopping centre on the consolidated lot. The amendments will rezone 372m² from RE1 Public Recreation to B2 Local Centre, 443m² from RE1 Public Recreation to R1 General Residential and 1,449m² from B2 Local Centre Zone to R1 General Residential.

The proposed outcomes will be achieved by amending the WW LEP land zoning maps LZN_003C and LZN_003B and land reservation acquisition map LRA_003B as indicated by the indicative maps provided below:



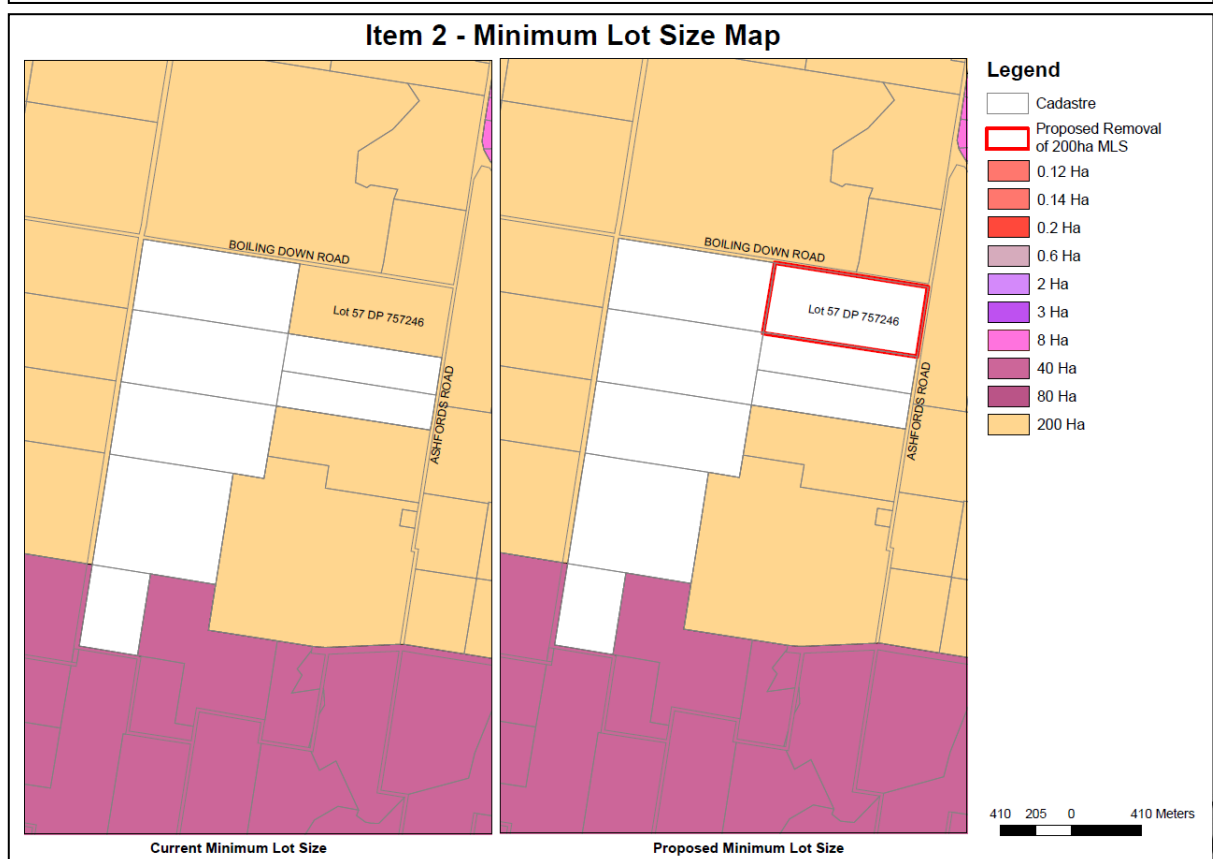
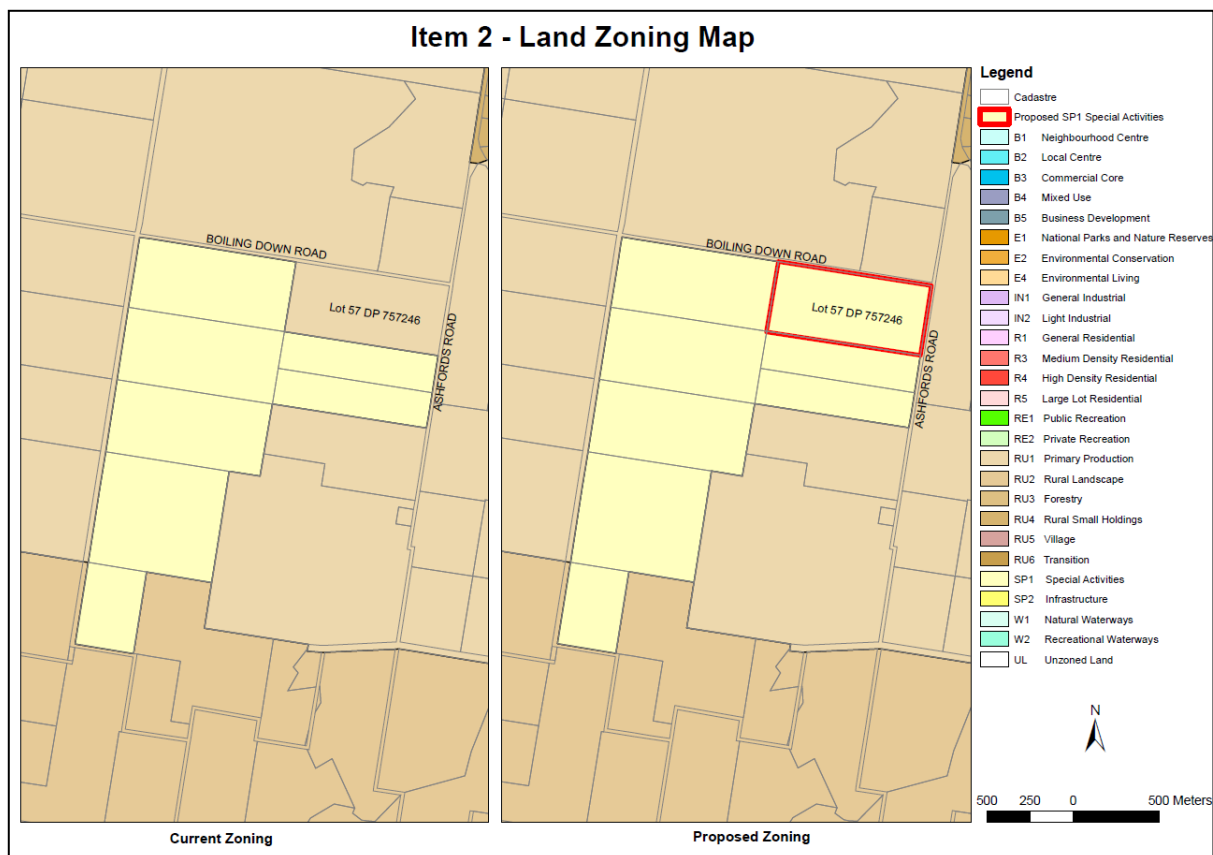
Item 1 - Land Reservation Acquisition Map



Item 2: Gregadoo Waste Management Facility

This amendment is initiated by WWCC as a result of purchasing the land for the purposes of Gregadoo Waste Management Facility. The land is currently classified as Council operational land. The amendment will require a rezoning and removal of minimum lot size requirements. The proposal will rezone 38.34ha from RU1 Primary Production to SP1 Special Activities (Waste Disposal Facility).

The proposed outcomes will be achieved by amending the WW LEP land zoning map LZN_004G and lot size map LSZ_004 as indicated by the indicative maps provided below:

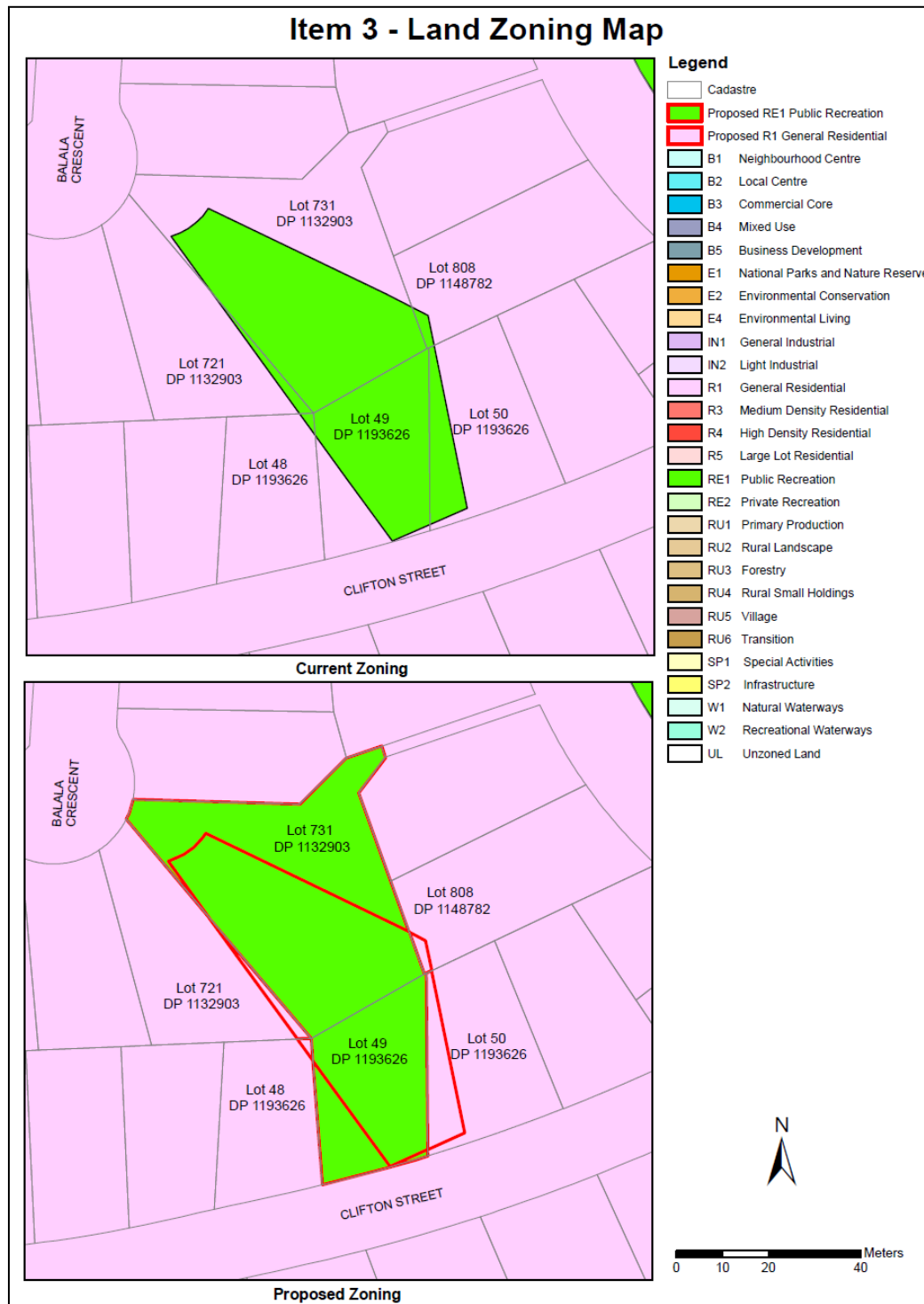


Item 3: Hill Top - Bourkelands

The first part of this item is to correct zoning anomalies with RE1 Public Recreation zoning for various lots. This includes rezoning part lot 731 DP 1132903 and part Lot 49 DP 1193626 from R1 General Residential to RE1 Public Recreation to reflect the use of 'Public Reserve' identified on the S88B Instrument. It also includes rezoning part Lot 721 DP 1132903, part Lot 48 DP 1193626, part Lot 50 DP 1193626 and part Lot 808 DP 1148782 from RE1 Public Recreation to R1 General Residential to reflect their intended use.

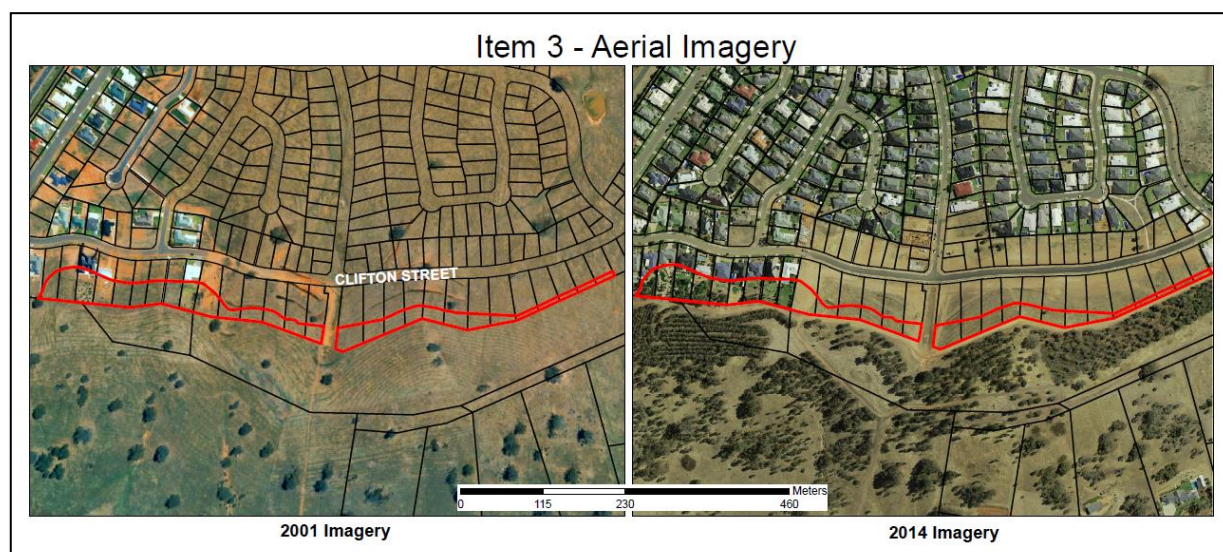
The current zoning reflects the adopted master plan layout which has been amended via approval of subdivision of the subject sites.

The proposed outcomes will be achieved by amending the WW LEP land zoning map LZN_004D as indicated by the indicative zoning map provided below:

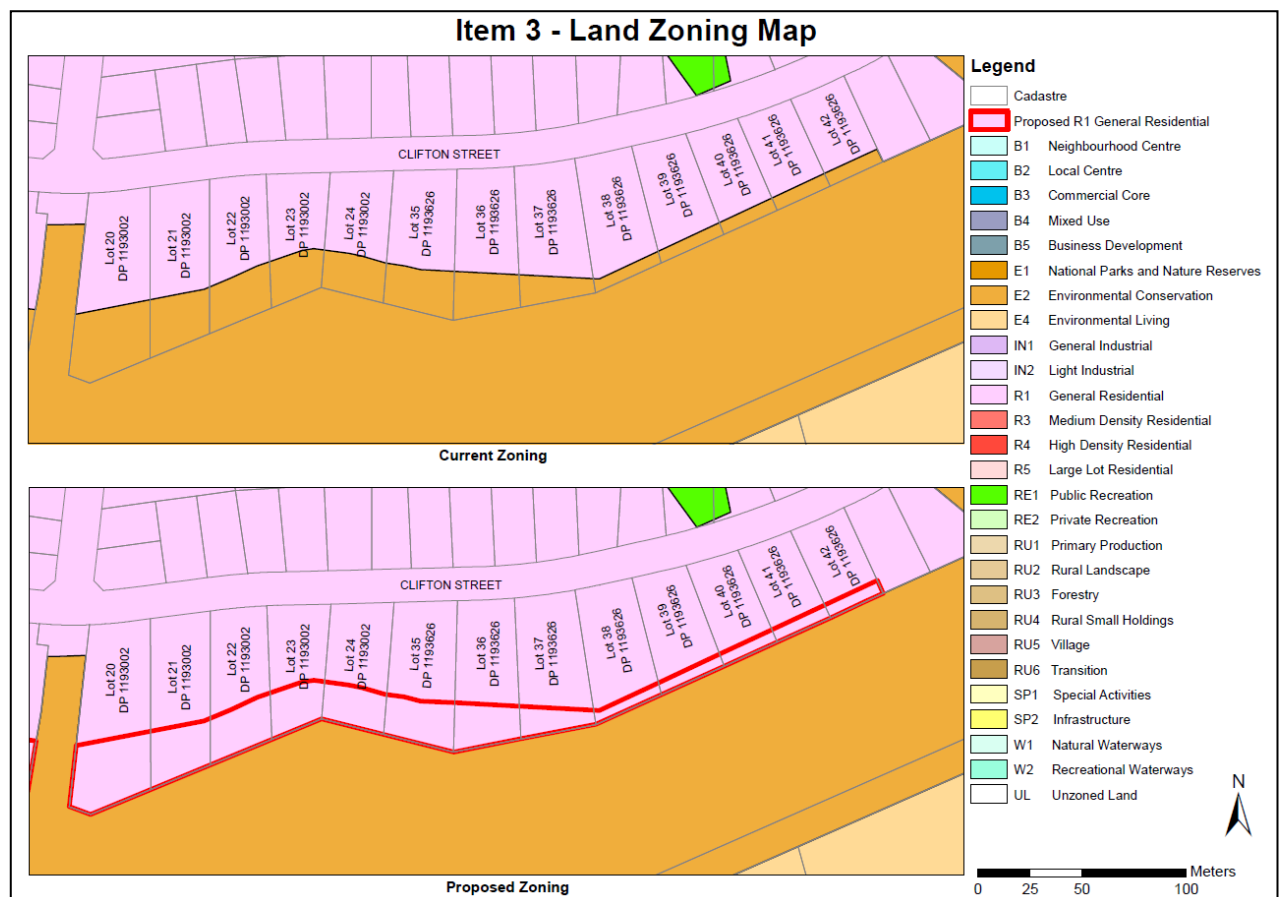
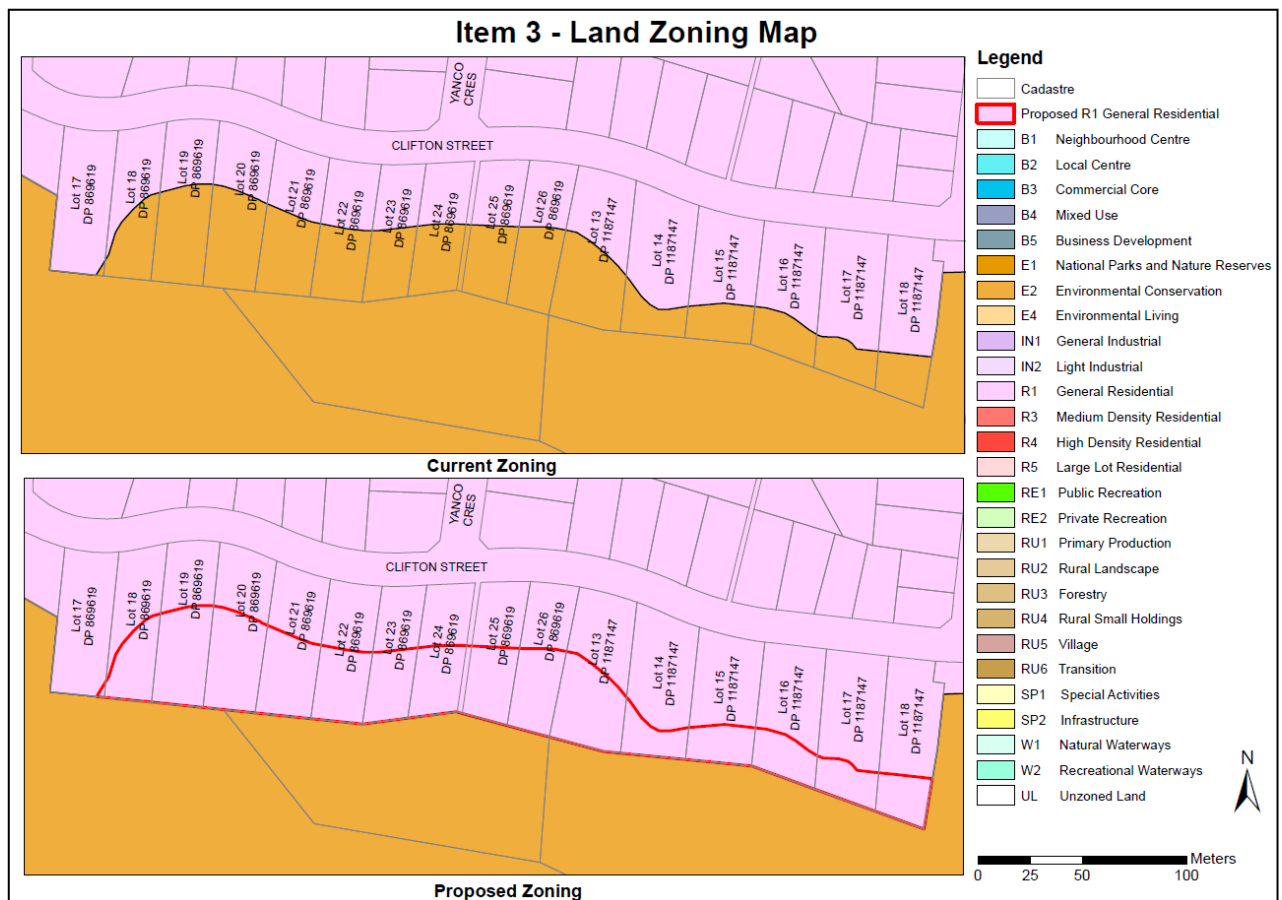


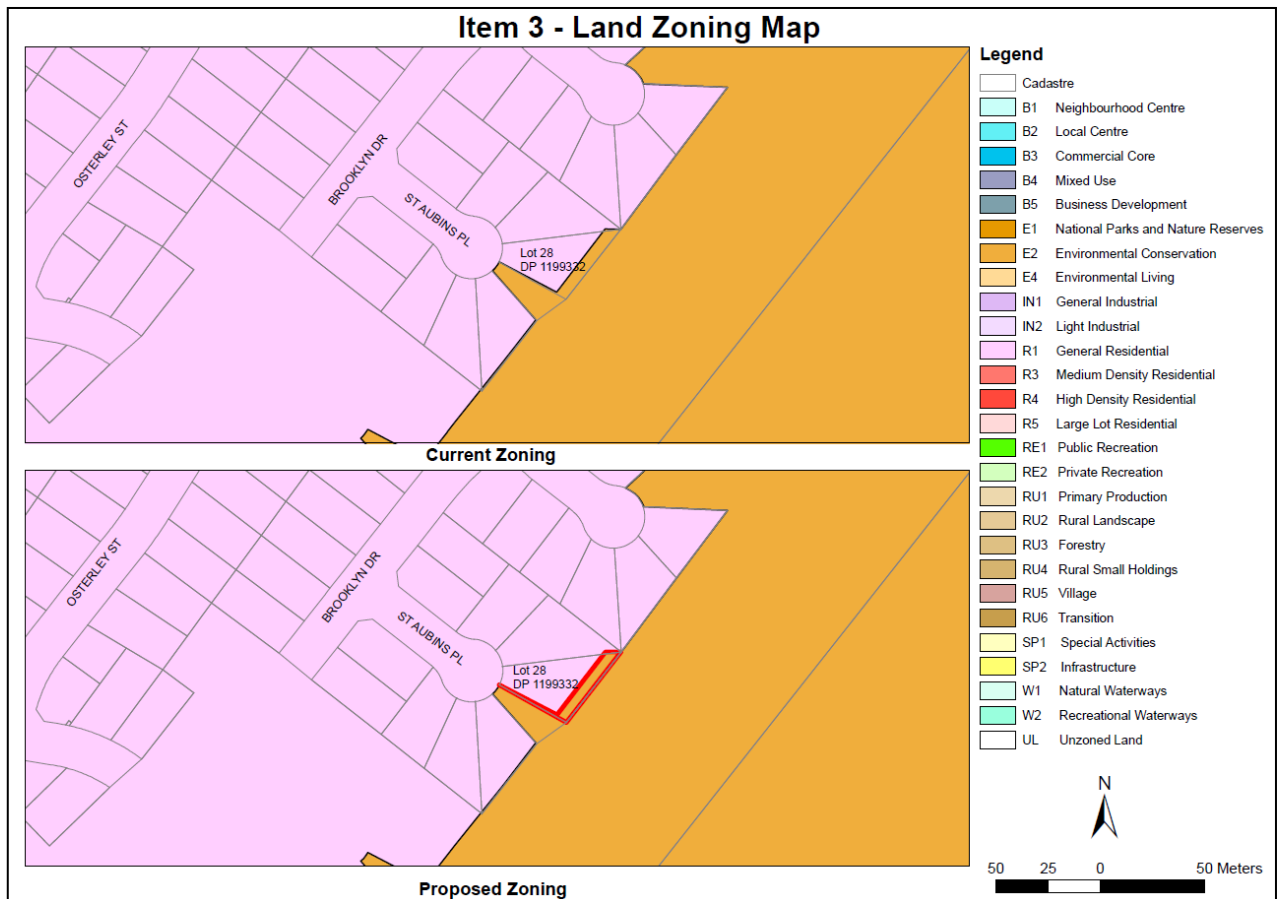
The second part of this item is to correct zoning anomalies with the E2 Environmental Conservation zone by rezoning part Lots 17 – 26 DP 869619, part Lots 13 – 19 DP 1187147, part Lots 20 – 24 DP 1193002, part Lots 35 – 42 DP 1193626 and part Lot 28 DP 140019 from E2 Environmental Conservation to R1 General Residential.

The land proposed to be rezoned to residential is heavily modified and no longer represents the White Box Woodland that the E2 Environmental Conservation zone was implemented to protect. The subject land is currently categorised as bushfire prone land with a 'buffer zone category'. The properties have a 10m 'Asset Protection Zone' restriction on the S88B Instrument and Deposited Plan from the boundary of the public reserve. Rezoning to General Residential will not impact on the restrictions imposed by the S88B Instrument. The proposal does not increase the current permissible development potential within bushfire prone land. Aerial imagery provided by land and property between 2001 and 2014 provides evidence that there weren't any White Box Woodland on the land when the E2 Environmental Conservation zone was introduced.



The proposed outcomes will be achieved by amending the WW LEP land zoning map LZN_004D as indicated by the indicative zoning maps provided below:



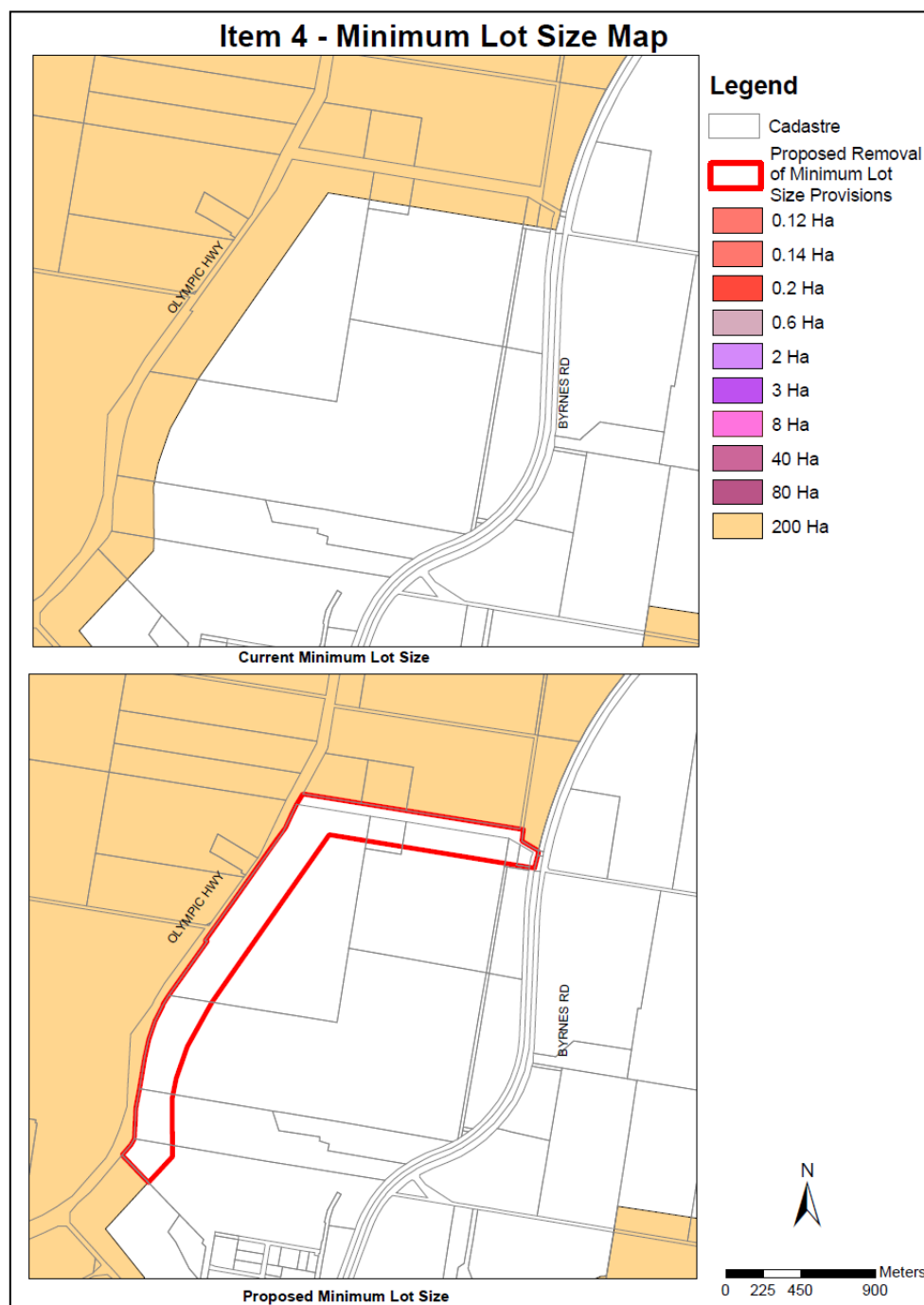


Item 4: Bomen Minimum Lot Size and Zoning

The purpose of this amendment is to make minor changes to the zoning and minimum lot size in the Bomen urban release area to enable the development of the Bomen Industrial Park, Riverina Intermodal Freight and Logistics Hub (RIFL Hub) and to achieve the outcomes of the Bomen Strategic Master Plan. Recent work in relation to the RIFL Hub has identified planning discrepancies with the current zonings of land and minimum lot sizes in the Bomen Industrial Park. These discrepancies have the potential to prevent industrial development in the Bomen area and need to be addressed immediately so industrial developments such as the RIFL Hub can proceed.

The amendment will include the removal of the 200ha minimum lot size from 85ha of industrial zoned land.

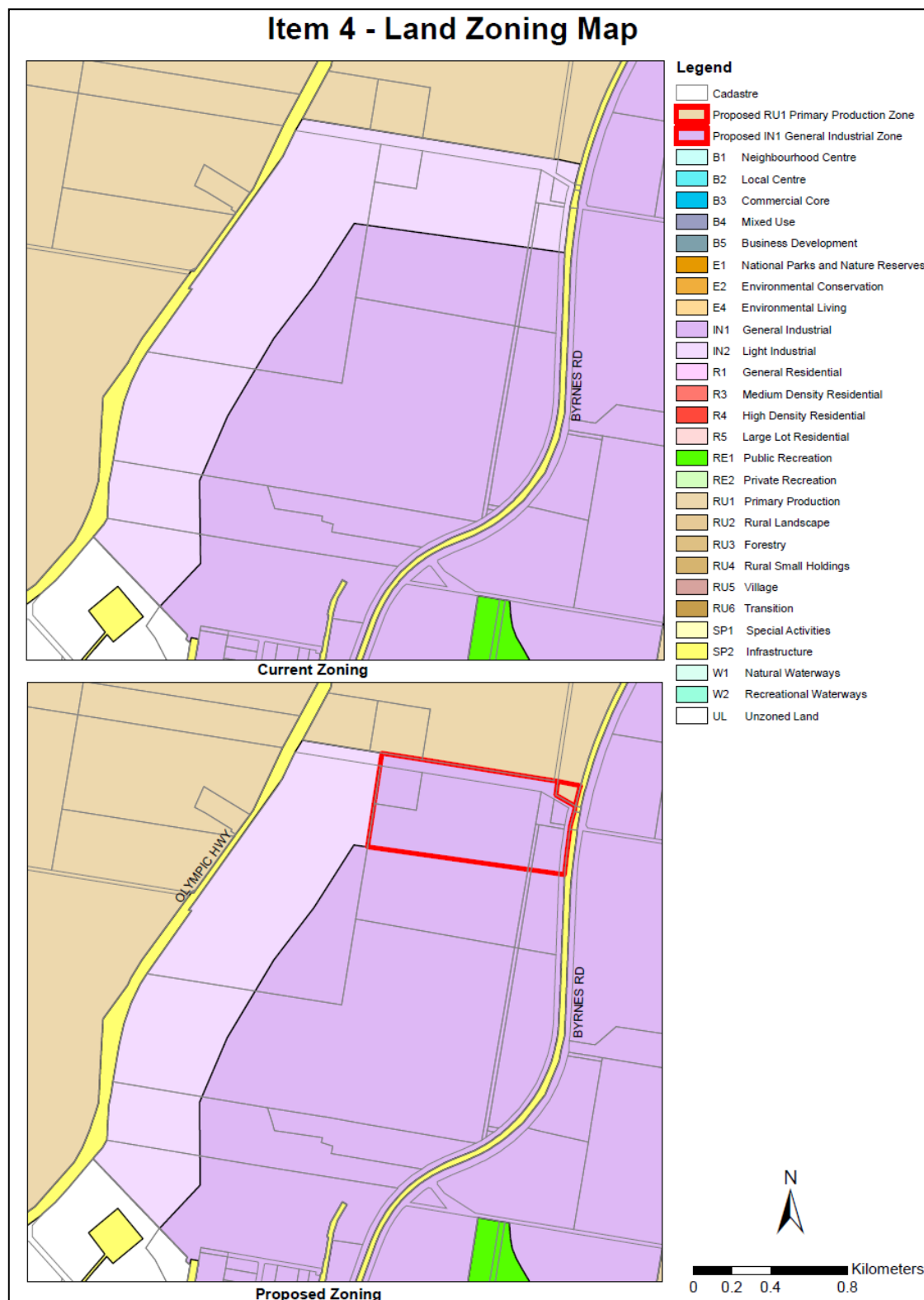
The first part of the amendment will remove the minimum lot size restrictions on land zoned and intended to remain zoned for industrial purposes. The proposed amendment will be achieved by amending the minimum lot size map LSZ_003 as indicated by the indicative minimum lot size map below:



The second part of the amendment will rezone land from IN2 Light Industrial to IN1 General Industrial to facilitate the development of a grain terminal and associated facilities that support the Riverina Intermodal Freight and Logistics Hub and rezone land from IN2 Light Industrial to RU1 Primary Production to remove the Industrial zoning over part of the lot and to recognise the current use of the land of primary production purposes.

The amendment will include the rezoning of 48ha from IN2 Light Industrial to IN1 General Residential and rezone 1ha from IN2 Light Industrial to RU1 Primary Production.

The proposed amendment will be achieved by amending the land zoning map LZN_003E as indicated by the indicative zoning map below:



The final part of this amendment is to remove Part Lot 4 DP 701865 from the Urban Release Area Map. This amendment coincides with the rezoning of the land from IN2 Light Industrial to RU1 Primary Production.

The proposed amendment will be achieved by amending the urban release area map URA_003C as indicated by the indicative map below:



Amendments to Written Instrument:

Item 5: Industrial Retail Outlet Percentage

This amendment is a result of an application received as part of WWCC Planning Proposal Grouping 2014/1. Council resolved on 14 April 2014 to amend Clause 5.4(4) Industrial Retail Outlets from 11% to 30%.

The proposed outcome will be achieved by amending clause 5.4 (4) in the WW LEP as identified in red text shown below:

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or*
 - (b) 400 square metres,*
- whichever is the lesser.*

Item 6: Schedule 2 Exempt Development Provisions

The purpose of this amendment is to make changes to Schedule 2 Exempt Development Provisions to ensure it is consistent with the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 (Codes SEPP); and to include additional development types.

The amendment removes provisions in the LEP that are now covered under the Codes SEPP.

The proposed amendment will be achieved by amending the WW LEP Schedule 2 Exempt Development provisions to delete the following exempt development types:

- Signage – fascia signs
- Signage – real estate signs
- Signage – top hamper signs
- Signage – under awning signs
- Signage – wall signs
- Signage – window signs
- Tennis courts

The proposed amendment will also be achieved by including the following development types in Schedule 2 Exempt Development:

Banners and flags used for promotional purposes

Specified development

Development for the purpose of temporary banners and flags used for promotional purposes is development specified as exempt development if it is not constructed or installed on or in a heritage item or in a heritage conservation area.

Development standards

(1) The standards specified for that development are that the development must:

- (a) Must have written land owners consent of the site it is located on*
- (b) Must be located wholly within the site or if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall*



- (c) *Have a maximum of 1 per site (regardless of the number of lots that make up that site) and 4 in total within the LGA*
- (d) *Not have a surface area of more than 6m² per sign*
- (e) *Not be higher than 5m above ground level*
- (f) *Not be permanently fixed*
- (g) *Not be illuminated or reflective*
- (h) *If associated with an event that is held fewer than 3 times in any calendar year, not be installed earlier than 14 days before the event*
- (i) *If associated with an event that is held 3 or more times in any calendar year must not be installed more than 1 day prior to the event.*
- (j) *Be removed within 2 days after the event*
- (k) *Must not be for an event that lasts more than 3 consecutive days.*
- (l) *Must not impede or obstruct clear view of the road or any road sign.*
- (m) *Must not be located on or visible from a classified road*
- (n) *Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Director-General*

Emergency Services Facilities

Specified development

Development for the purpose of emergency services facilities is development specified as exempt development if it is not constructed or installed on or in a heritage item, in a heritage conservation area, on land on which an item of Aboriginal heritage exists or on a flood control lot.

Development Standards

- (1) *The standards specified for that development are that the development must:*
 - (a) *be for the purposes of a Rural Fire Service Brigade Station, and*
 - (b) *only be located within the RU1 zone.*
 - (c) *be not higher than 5m to the eaves above ground level (existing)*
 - (d) *not have an area of more than 140m²*
 - (e) *be located at least 20m from the primary road frontage of the lot and at least 10m from the other lot boundaries, and*
 - (f) *not be constructed or installed within 50m of a dwelling on an adjoining property, and*
 - (g) *be located at least 50m from a waterbody (natural)*
 - (h) *to the extent it is comprised of metal components—be designed by, and constructed in accordance with the specifications of, a professional engineer, and be of a low reflective finish.*



- (j) If a new access is required, a Section 138 permit shall be obtained prior to the commencement of works.
- (k) Access shall comply with the Austroads Guide to Road Design, including Safe Intersection Sight Distance or any superseding document.
- (l) Not require the removal of any vegetation greater than 20cm in diameter at breast height (1.4m above natural ground level)
- (m) if constructed on bushfire prone land, be constructed in accordance with Planning for Bushfire Protection 2006, or any superseding document.

Events

Specified development

Development for the purpose of temporary uses including commercial, community or retail events or a private function is development specified as exempt development

Development standards

- (1) The standards specified for that development are that the development must:
 - (a) Must be located on Council owned or managed land
 - (b) Must have written consent from Council to hold the event
 - (c) Must not exceed one day per year per event
 - (d) May only operate between 7am and 10pm Monday to Saturday and 8am and 10pm Sunday, including bump in and bump out.
 - (e) The LA10 noise level emitted by the activities of the event shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5dB at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the premises shall not be audible within any habitable room in any adjoining residential premises.
 - (f) Any temporary structures must comply with the exempt temporary structures provisions under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (g) Must not involve the closure of any public roads
 - (h) Must not involve the sale of alcohol
 - (i) Must supply toilets as per the table below:

For events of durations less than 8 hours, the toilet numbers within the table can be reduced as per the percentage amounts listed following the table. Total Attendance	Male Facilities			Female Facilities WC's	Hand Basins	
	WC's	Urinals/ Trough Wall Hung			Male	Female
Less than 1,000	2	1.5m	3	5	1	1



- (j) *Lighting shall be supplied when required to ensure the safe movement of patrons and be in accordance with the relevant Australian Standard. AS 4282–1997 Control of the obtrusive effects of outdoor lighting.*
- (k) *Must not cause any obtrusive lighting upon neighbouring properties.*
- (l) *The total number of people attending the event shall not exceed 1000 at any one time.*
- (m) *If the event involves the sale of food or drink approval must be obtained through Councils Environmental Health Section.*
- (n) *Must be no permanent physical change to the fabric of the location where the use occurs*

Different use of a building

Specified development

The use of an exhibition home as a dwelling.

Development standards

- (1) *The standards specified for that development are that:*
 - (a) *the current use must be a lawful use, and*
 - (b) *the current use must not be an existing use within the meaning of section 106 of the Act, and*
 - (c) *the new use must be permissible with consent under an environmental planning instrument applying to the land on which the development is carried out, and*
 - (d) *the new use must not involve building alterations or additions other than those that are exempt development, and*
 - (e) *at least one off-street car parking space must be retained on a lot on which the use of an exhibition home as a dwelling is carried out, and*
 - (f) *this clause does not apply if the size of the lot is less than the minimum lot size for the erection of a dwelling house under the environmental planning instrument applying to the lot.*



PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

No. The planning proposal is not a result of any strategic study or report. In total, this planning proposal contains four (4) amendments to LEP maps and two (2) written instrument amendments to the written instrument. The amendments have been generated from external applications, council generated and housekeeping amendments.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, this planning proposal is the only way to achieve the intended outcomes as an LEP amendment is required.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Not applicable. There are no regional plans or strategies that apply to Wagga Wagga Local Government Area.

Is the planning proposal consistent with the council's local strategy or other local strategic plan?

Yes. The Wagga Wagga Spatial Plan 2013-2043 was endorsed by the Director General of NSW Planning and Infrastructure on 28 February 2014. All items within this planning proposal are consistent with the Spatial Plan.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

Consistency with applicable SEPPs	
Item 1: Estella Business Zone	
Nil	
Item 2: Gregadoo Waste Management Facility	
Nil	
Item 3: Hill top – Bourkelands	
Nil	
Item 4: Bomen Minimum Lot Size and Zoning	
Nil	
Item 5: Industrial Retail Outlet	
Nil	
Item 6: Exempt Development Provisions	
SEPP (Exempt and Complying Development Codes) 2008	Item 6 is consistent with this policy as it introduces additional development as exempt development.



Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The following directions are not applicable to the Wagga Wagga Local Government Area:

- 1.4 Oyster Aquaculture
- 2.2 Coastal Protection
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 5.4 Revoked
- 5.6 Revoked
- 5.7 Revoked
- 5.8 Second Sydney Airport: Badgerys Creek
- 5.9 North West Rail Link Corridor
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Relevant directions are assessed against the proposed amendments in the table below:

S117 Direction	Consistency?
1.1 Business and Industrial zones	Item 1 is consistent with this direction as it proposes to increase an existing business zone. Item 4 is inconsistent with this direction. The inconsistency is considered to be minor in nature as it will amend minimum lot size that will increase the amount of floor space allowable in the area. This direction is not applicable to any other item within this proposal.
1.2 Rural zones	Item 2 is inconsistent with this direction as it proposed to rezone rural land for special activities purposes. This inconsistency is of minor significance as it is a small parcel of land adjoining the existing special activities zone. This direction is not applicable to any other item within this proposal.
1.3 Mining, Petroleum Production and Extractive Industries	This direction is not applicable to any items within this proposal as there are no proposed restrictions or prohibitions proposed on mining of coal or other minerals, production of petroleum or extractive materials.
1.5 Rural Lands	Item 2 is inconsistent with this direction. The inconsistency is considered to be minor in nature as it is rezoning a small parcel of land adjoining the existing special activities zone. Item 3 is inconsistent with this direction as it proposes to rezone Environmental Conservation land to residential. This inconsistency is considered to be of minor significance as the rezoning reflects the existing residential lot boundaries and there



	are no significant environmental qualities on the subject land. This direction is not applicable to any other item within this proposal.
2.1 Environmental Protection Zones	Item 3 is inconsistent with this direction as it proposes to rezone land currently zoned for environmental protection purposes. This inconsistency is considered to be minor as the land currently has an approved subdivision for residential purposes. This direction is not applicable to any other item within this proposal.
2.3 Heritage Conservation	This direction is not applicable to any items within this proposal as there are no proposed changes to items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance or aboriginal areas, objects, places or landscapes.
2.4 Recreation Vehicle Areas	This direction is not applicable to any items within this proposal as there are no provisions that will enable land to be developed for the purpose of recreation vehicle area.
3.1 Residential Zones	Item 1 proposes to rezone business land to residential. This item is consistent with the direction as it is a minor rezoning of a road corridor to tidy up the zoning anomalies. Item 3 proposes to rezone land from environment and recreation to residential. The item is consistent with the direction as it is a minor rezoning to rectify zoning anomalies that are inconsistent with the approved subdivision. This direction is not applicable to any other item within this proposal.
3.2 Caravan Parks and Manufactured Home Estates	This planning proposal is consistent with this direction as it will retain the existing provision that permit development for the purposes of a caravan park to be carried out on land and retains the existing zonings of existing caravan parks.
3.3 Home Occupations	This planning proposal is consistent with this direction as it does not propose to change the existing home occupations provisions.
3.4 Integrating Land Use and Transport	This planning proposal is consistent with this direction as it maintains the existing access to housing, jobs and services.



3.5 Development Near Licensed Aerodromes	This direction is not applicable to this proposal as it does not seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	This direction is not applicable to this proposal as it does not seek to rezone land adjacent to or adjoining an existing shooting range.
4.3 Flood Prone Land	This planning proposal is consistent with this direction as it does not create, remove or alter a zone or provision that affects flood prone land.
4.4 Planning for Bushfire Protection	Item 2 is identified as bushfire prone land 'category one' and 'buffer zone'. This proposal is consistent with this direction as it is not proposing inappropriate developments in hazardous areas. Consultation with Rural Fire Service will be undertaken. Item 3 is identified as bushfire prone land 'buffer zone'. The proposal is consistent with this direction as it maintains the existing asset protection zone located within the lots proposed to be rezoned R1 General Residential. In addition, the area zoned E2 Environmental Conservation currently provides an additional asset protection zone and Council undertake hazard reduction measures. The proposal is not increasing the number of existing properties permissible. Consultation with Rural Fire Service will be undertaken. This direction is not applicable to any other item within this proposal.
6.1 Approval and Referral Requirements	This planning proposal is consistent with this direction as it does not contain provision requiring concurrent, consultation or referral to a Minister or public authority.
6.2 Reserving Land for Public Purposes	Item 1 is inconsistent with this direction as it proposes to remove land to be acquired. The inconsistency is of minor significance as the changes reflect current private land ownership and the land is not required for the provision of public services or facilities. This direction is not applicable to any other item within this proposal.
6.3 Site Specific Provisions	This planning proposal is consistent with this direction as it does not propose to allow a particular development to be carried out.



Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no known critical habitats or threatened species that are affected by this planning proposal.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is not anticipated that there will be any negative environmental impacts as a result of the planning proposal as the most of the items within the planning proposal apply to areas where there is existing development.

Should there be environmental considerations that arise out of proposed development permitted by this planning proposal, these issues can be addressed at the development assessment stage once a development application has been lodged.

How has the planning proposal adequately addressed any social and economic effects?

Item 1: Estella Business Zone

This amendment is minor in nature and it is anticipated that there will be no impacts on existing schools, hospitals and retail centres. There are no known items or places of European or Aboriginal Cultural heritage.

Item 2: Gregadoo Waste Management Facility

This amendment is minor in nature and it is anticipated that there will be no impacts on existing schools, hospitals and retail centres. There are no known items or places of European or Aboriginal Cultural heritage.

Item 3: Hill Top - Bourkelands

This amendment is minor in nature and it is anticipated that there will be no impacts on existing schools, hospitals and retail centres. There are no known items or places of European or Aboriginal Cultural heritage.

Item 4: Bomen Minimum Lot Size and Zoning

This amendment is minor in nature and it is anticipated that there will be no impacts on existing schools, hospitals and retail centres. There are no known items or places of European or Aboriginal Cultural heritage.

Item 5: Industrial Retail Outlet Percentage

The increase to allow 30% of the gross floor area as a retail outlet has the potential to impact on the character of rural and industrial zones where retail premises are prohibited. The amendment has the potential to increase traffic movements to and from sites, trade relocation away from commercial areas and loss of prime rural and industrial land for its intended purpose.

Changes to the provisions will affect the entire local government area and any effects on items or places of European or Aboriginal cultural heritage will be addressed at development application stage.



Item 6: Exempt Development Provisions

This amendment is minor in nature and it is anticipated that there will be no impacts on existing schools, hospitals and retail centres. There are no known items or places of European or Aboriginal Cultural heritage.

Section D – State and Commonwealth interests**Is there adequate public infrastructure for the planning proposal?****Item 1: Estella Business Zone**

This amendment is a minor amendment to the existing B2 local centre zone. Adequate public infrastructure is available.

Item 2: Gregadoo Waste Management Facility

This amendment is a minor amendment to the existing special activities zone. Adequate public infrastructure is available.

Item 3: Hill Top - Bourkelands

This amendment is a minor amendment to the existing public recreation and environmental conservation zoning. Adequate public infrastructure is available.

Item 4: Bomen Minimum Lot Size and Zoning

This amendment is a minor amendment to the existing Bomen industrial area. Adequate public infrastructure is available.

Item 5: Industrial Retail Outlet Percentage

This amendment will impact on the industry retail outlets across the local government area. The provision of public infrastructure will be addressed during development application stage.

Item 6: Exempt Development Provisions

N/A

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has occurred with any public authorities prior to preparation and lodgement of the planning proposal.

The views of State and Commonwealth public authorities will be sought once the Gateway Determination has been issued.



PART 4 – MAPPING

The planning proposal seeks to amend the following maps:

Land Zoning Maps:

- LZN_003B
- LZN_003C
- LZN_003E
- LZN_004D
- LZN_004G

Lot Size Maps:

- LSZ_003
- LSZ_004

Urban Release Area Map:

- URA_003

Land Reservation Acquisition Map:

- LRA_003B

Council requires the assistance of the Department of Planning and Environment in drafting all map amendments. If assistance is available mapping amendments will be requested following the public exhibition to avoid duplication and re-drafting. If assistance with mapping is not available, Council requests the ability to lodge the template maps at S59 stage rather than prior to exhibition. The maps provided in Appendix 1 are detailed enough for public exhibition purposes.

Maps for Public Exhibition purposes are provided in Appendix 1.

PART 5 – COMMUNITY CONSULTATION

Whilst this planning proposal is considered to be minor in nature, due to the large number of items included in the planning proposal it is considered that a 28 day exhibition period is more suitable.

The number of affected and adjoining land owners for Item 5 (Industrial Retail Outlet Percentage) and Item 6 (Exempt Development Provisions) of the planning proposal makes individual notification for all affected properties impractical. For these reasons, it is requested that the requirements to notify affected and adjoining land owners for these items be waived.

The requirement to notify affected and adjoining land owners for all other items within the planning proposal will be met.



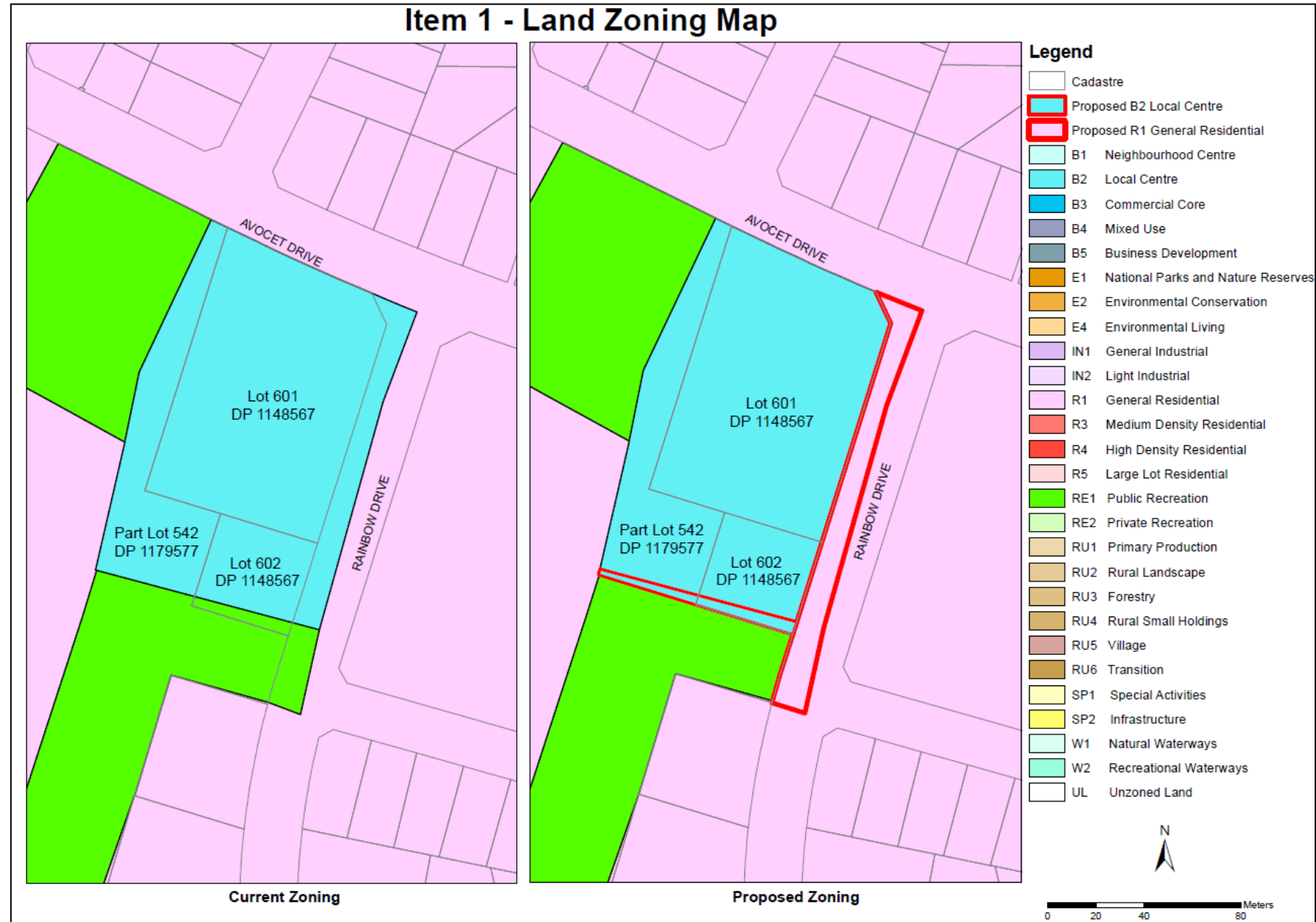
PART 6 – PROJECT TIMELINE

Task	Anticipated timeframe
Anticipated date of Gateway Determination	February 2015
Anticipated timeframe for completion of required technical information	N/A
Timeframe for Government agency consultation	March 2015
Commencement and completion dates for public exhibition.	May 2015
Dates for public hearing	N/A
Timeframe for consideration of submissions	June 2015
Timeframe for the consideration of a proposal post exhibition	August 2015
Date of submission to the Department to finalise the LEP	September 2015
Anticipated date RPA will make the plan	October 2015
Anticipated date RPA will forward to the Department for notification	October 2015



Appendix 1: Public Exhibition Mapping

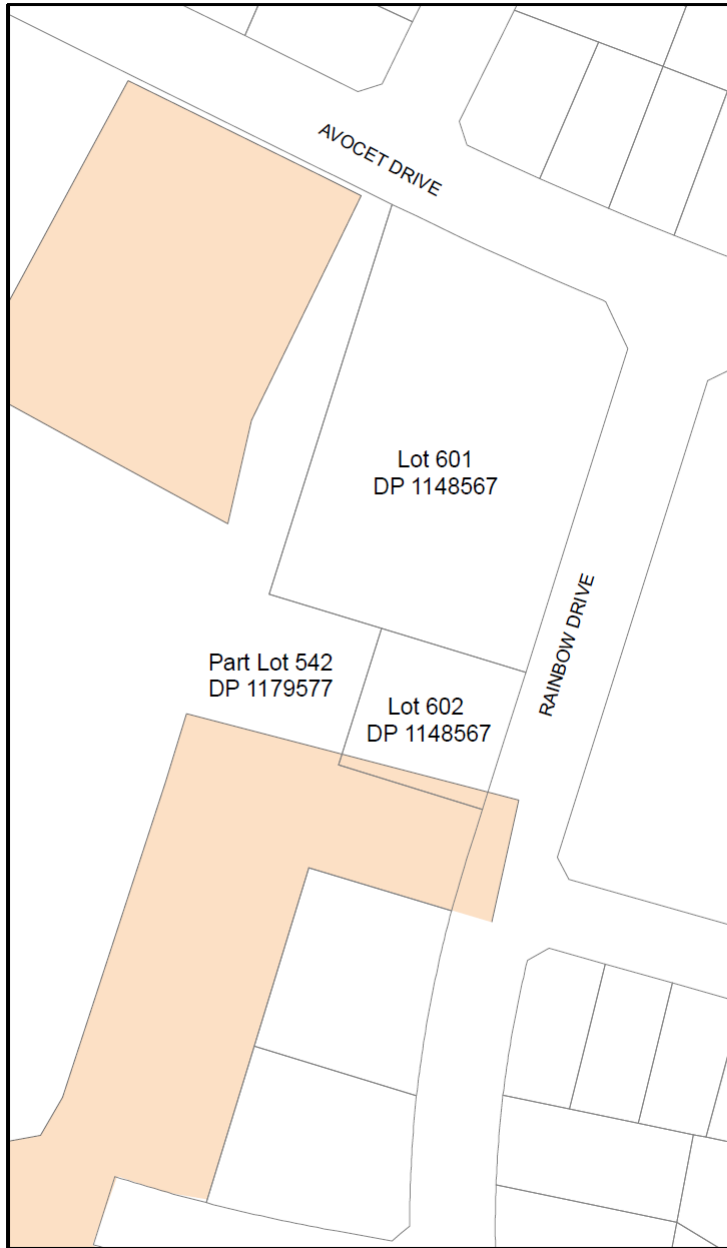
Item 1 - Land Zoning Map



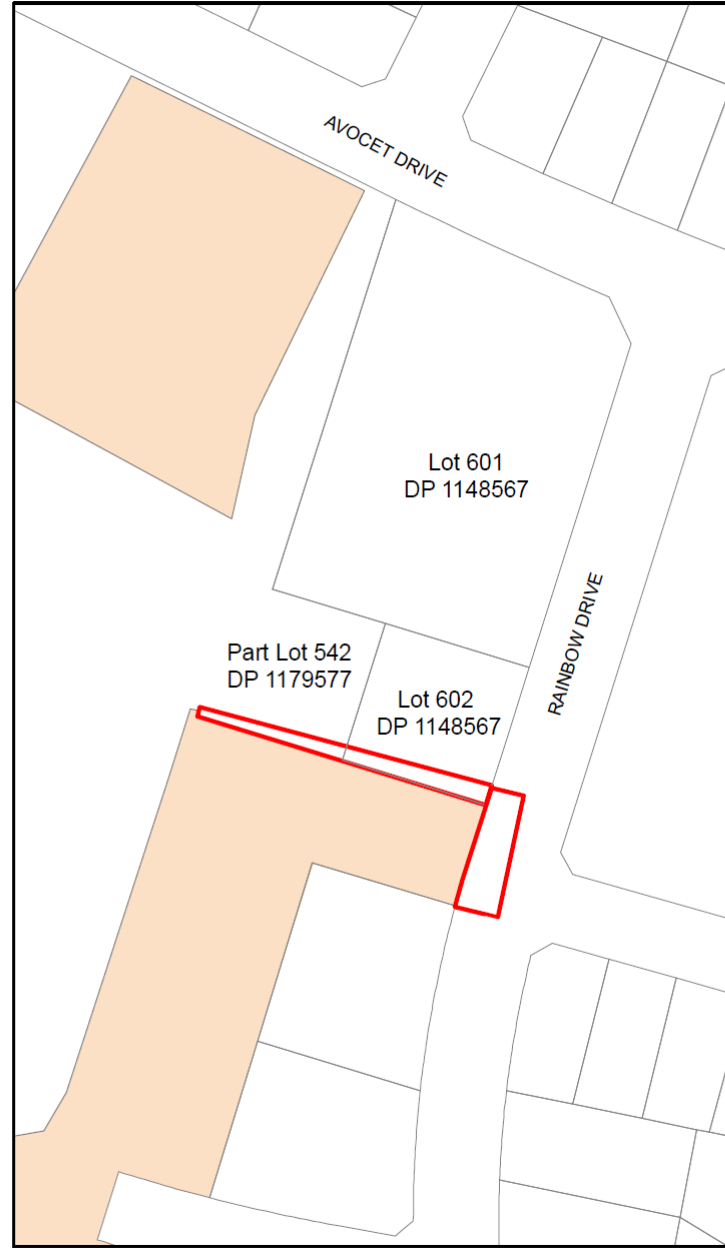
Item 1 - Land Reservation Acquisition Map

Legend

-  Cadastre
-  Proposed Removal of Land Reservation Acquisition
-  Land Reservation Acquisition



Current Land Reservation Acquisition Map



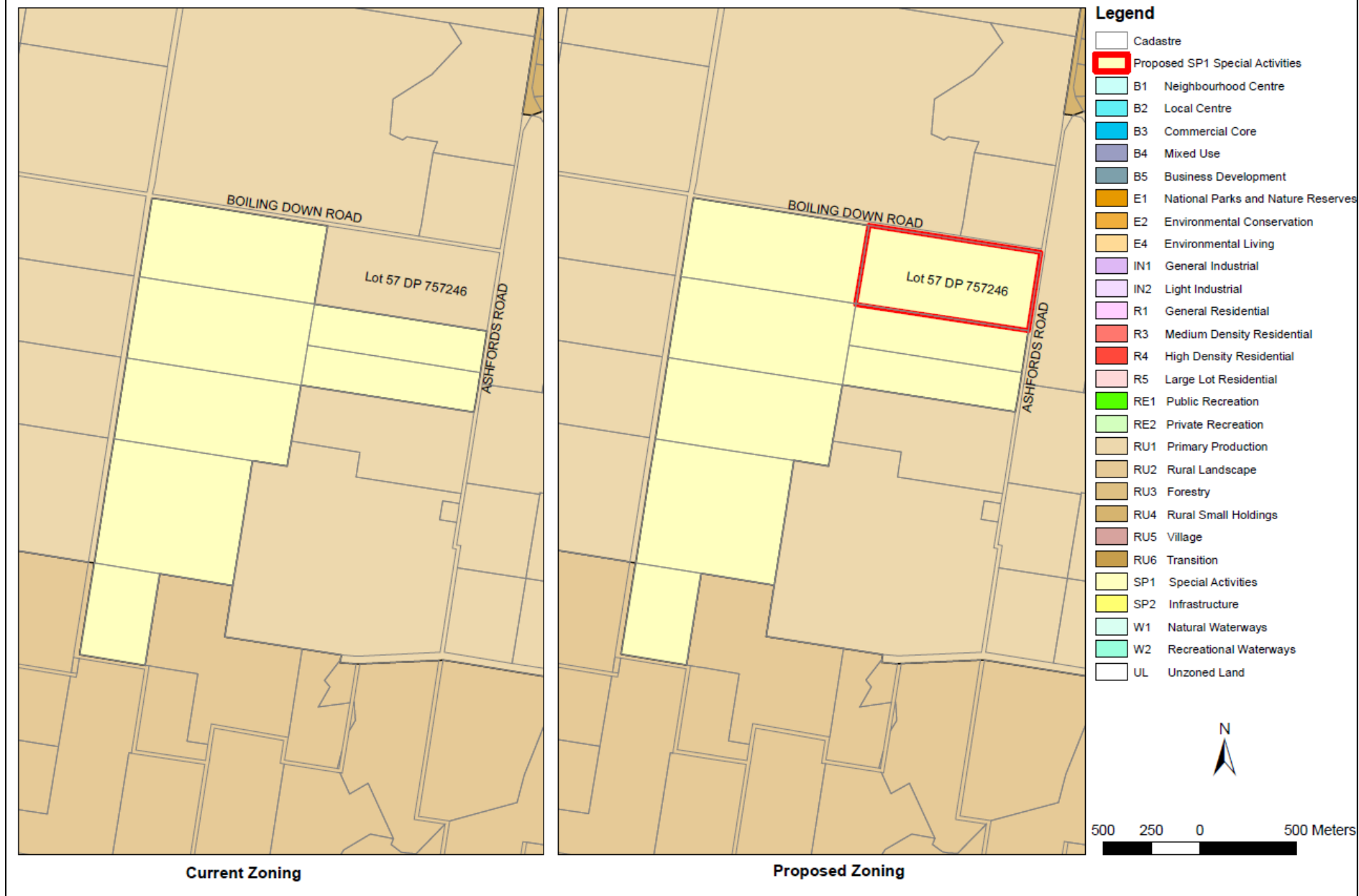
Proposed Land Reservation Acquisition Map



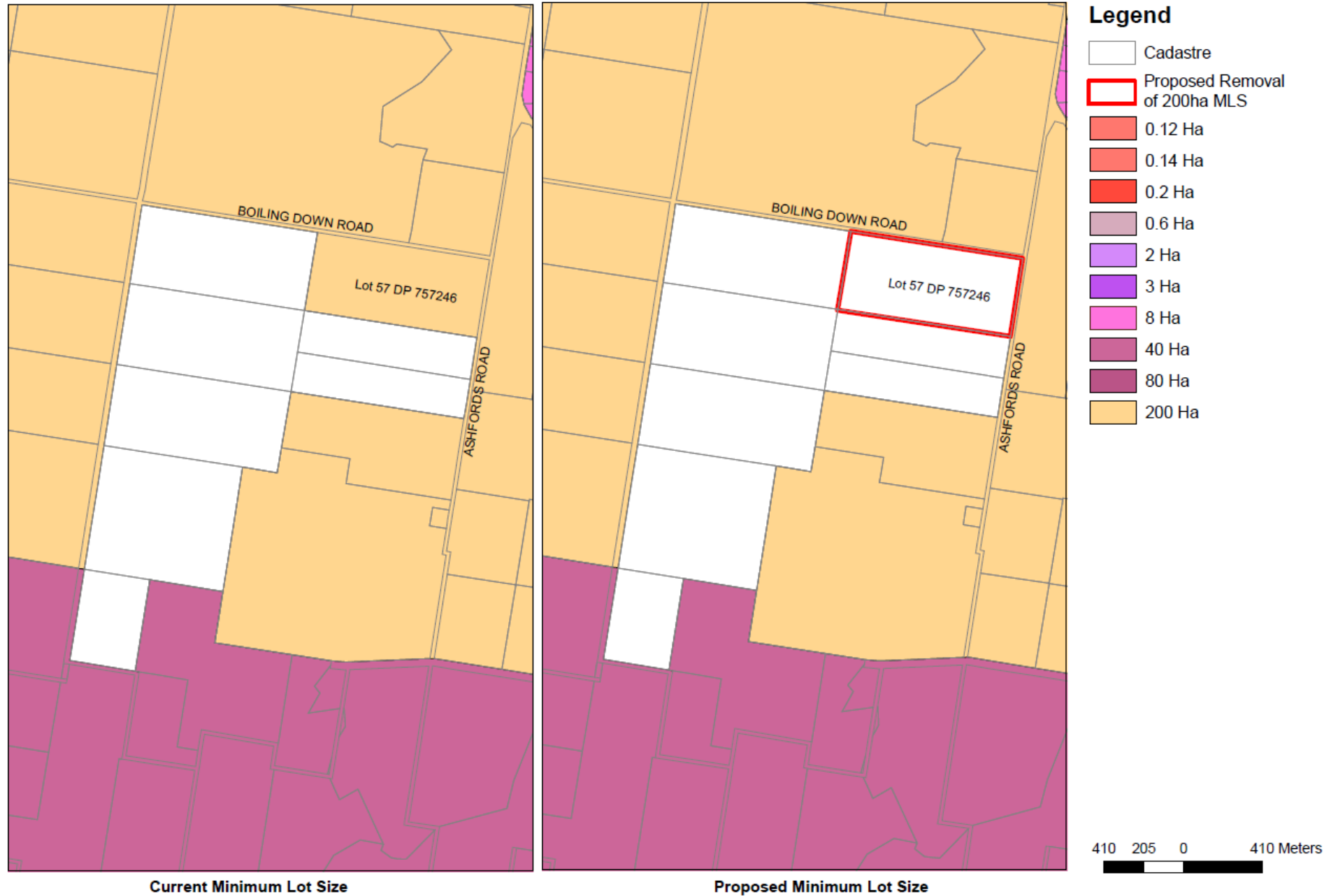
0 20 40 80 Meters



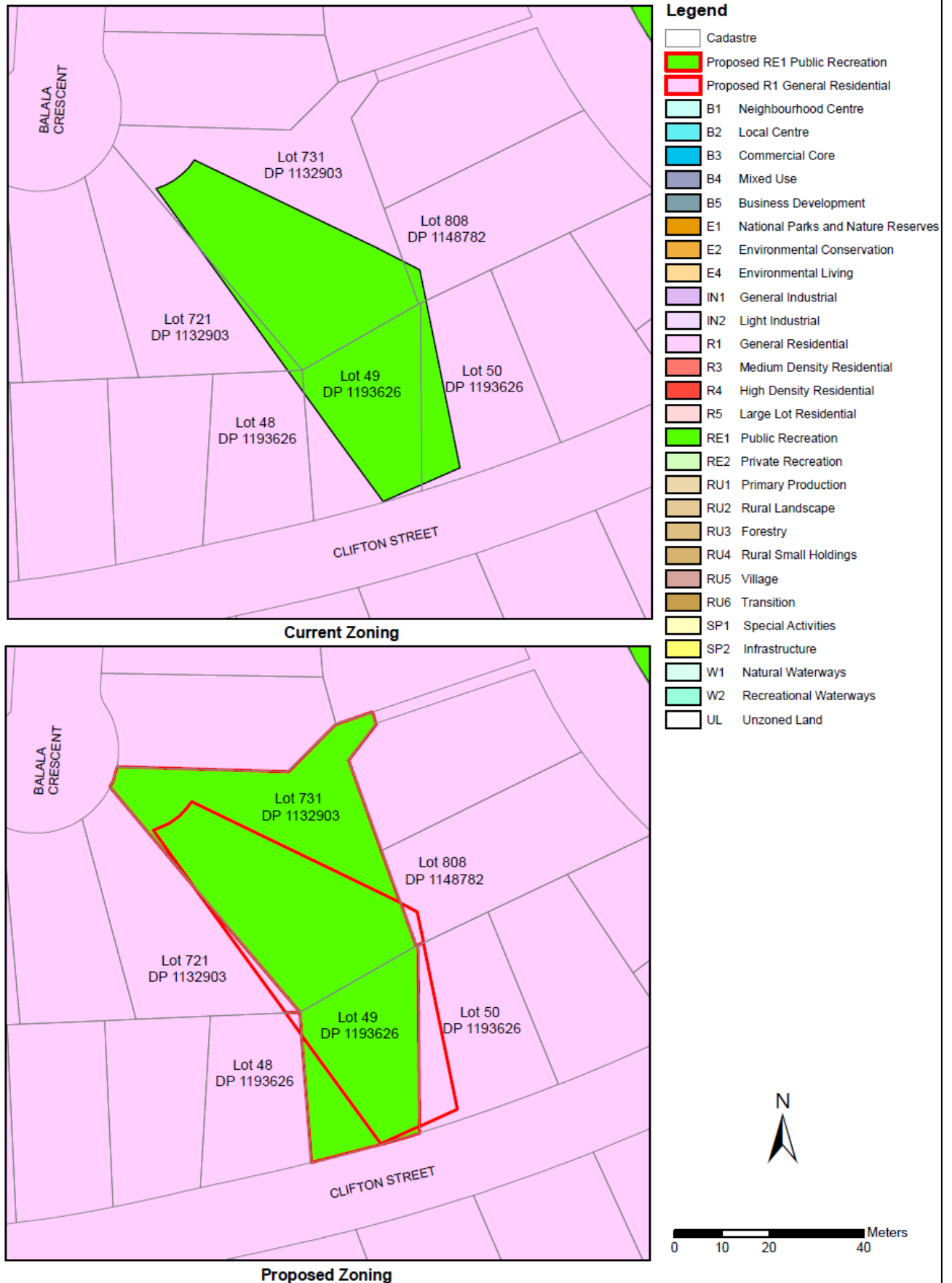
Item 2 - Land Zoning Map



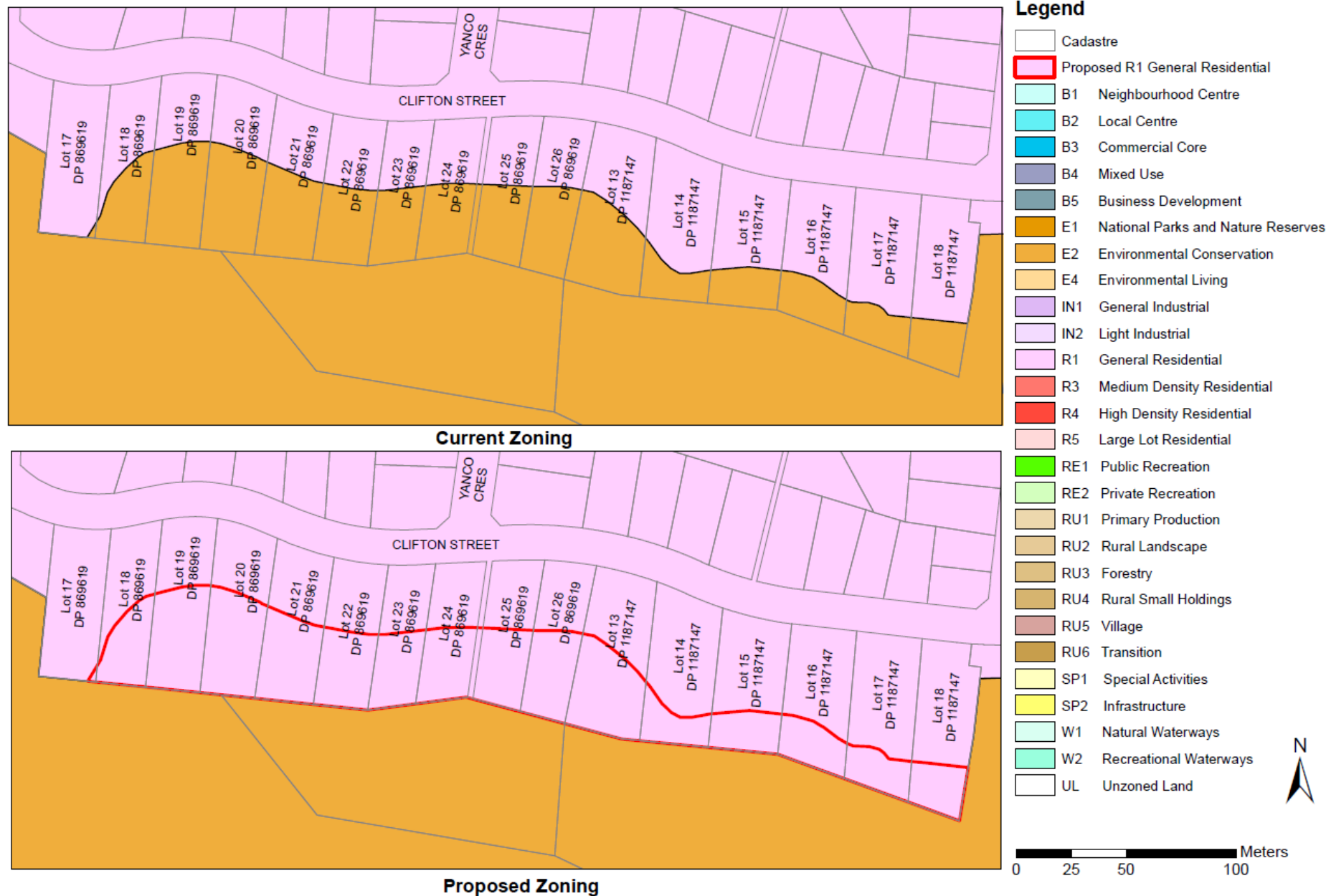
Item 2 - Minimum Lot Size Map



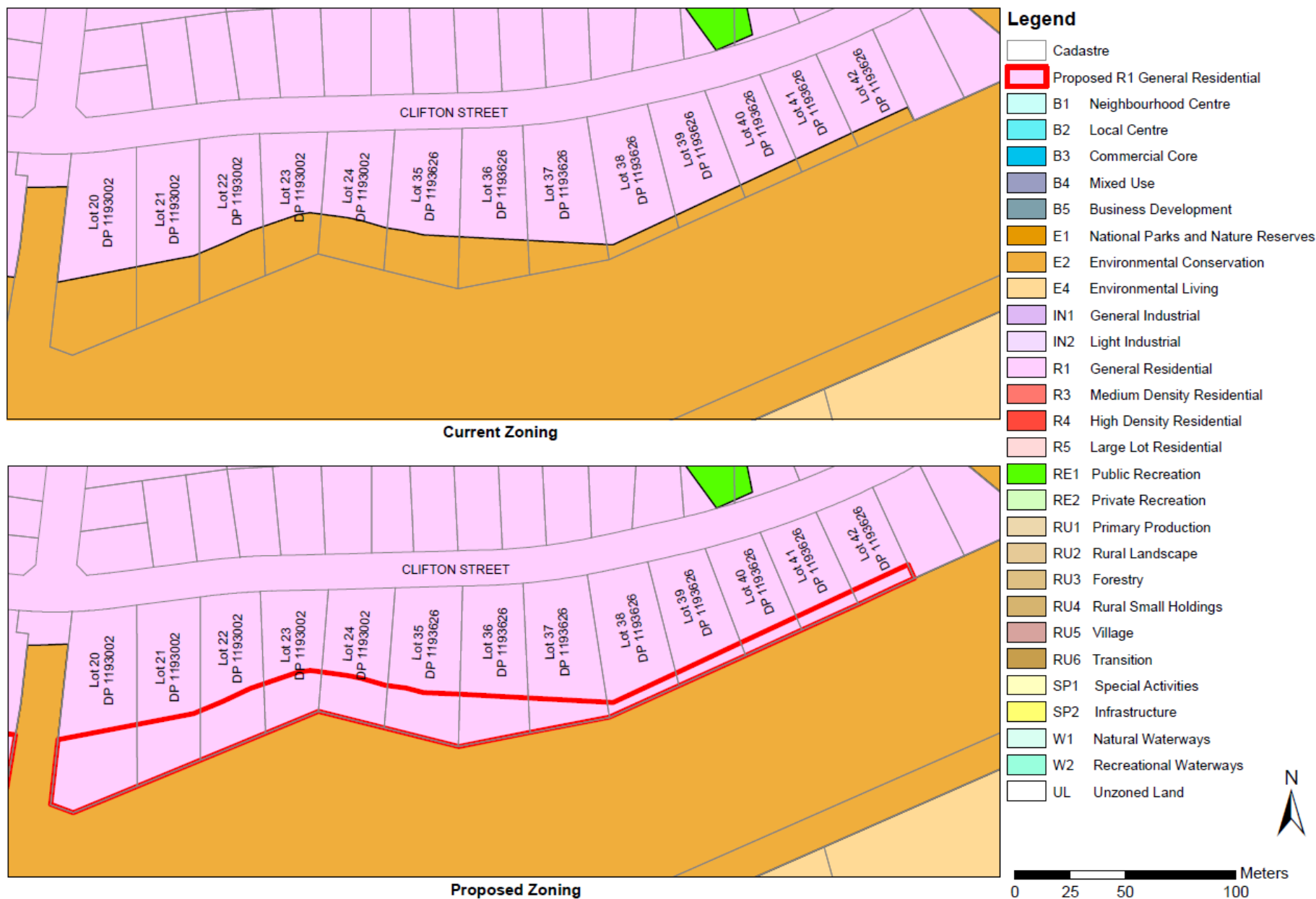
Item 3 - Land Zoning Map



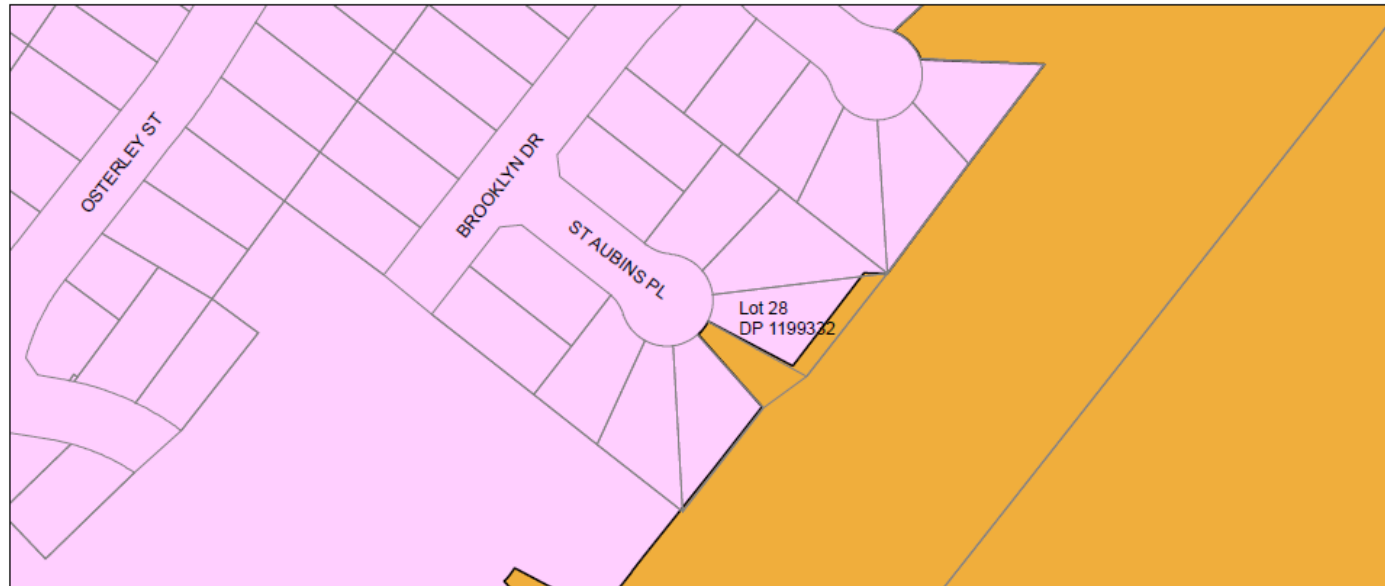
Item 3 - Land Zoning Map



Item 3 - Land Zoning Map



Item 3 - Land Zoning Map



Current Zoning



Proposed Zoning

Legend

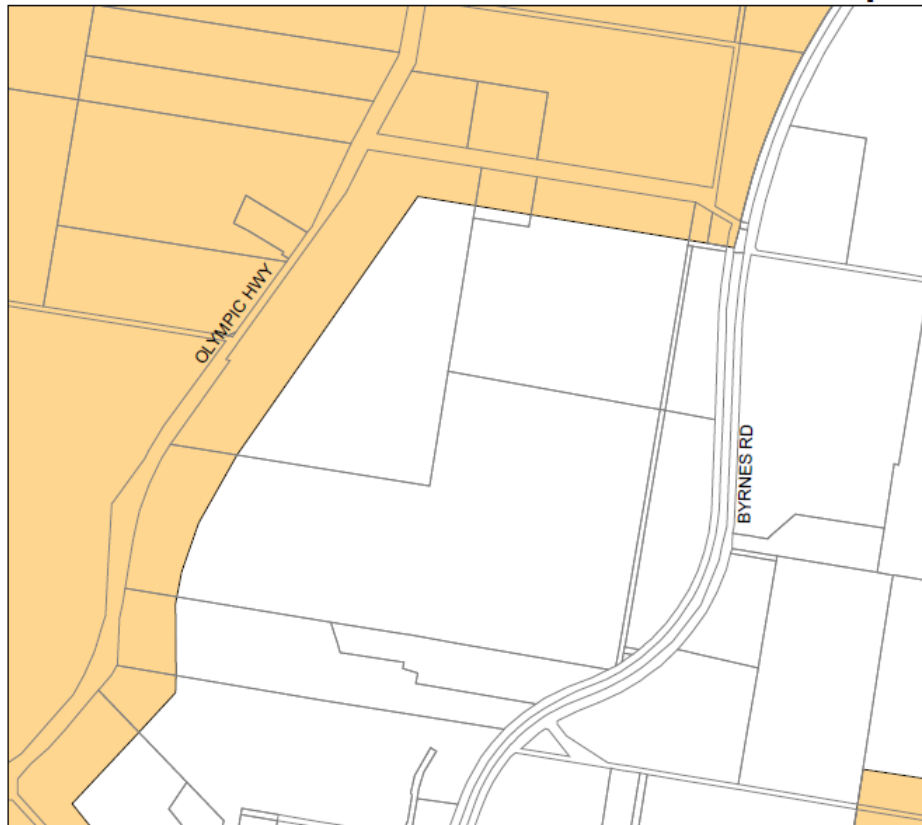
- Cadastre
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- RE1 Public Recreation
- RE2 Private Recreation
- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry
- RU4 Rural Small Holdings
- RU5 Village
- RU6 Transition
- SP1 Special Activities
- SP2 Infrastructure
- W1 Natural Waterways
- W2 Recreational Waterways
- UL Unzoned Land



50 25 0 50 Meters



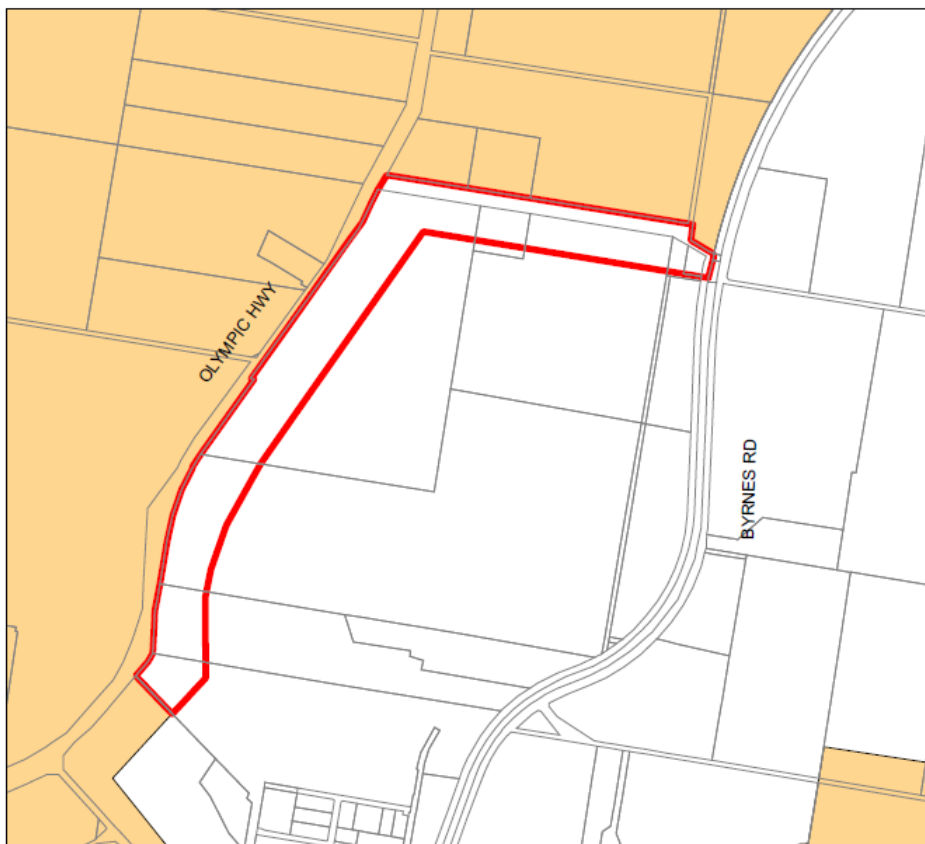
Item 4 - Minimum Lot Size Map



Current Minimum Lot Size

Legend

-  Cadastre
-  Proposed Removal of Minimum Lot Size Provisions
-  0.12 Ha
-  0.14 Ha
-  0.2 Ha
-  0.6 Ha
-  2 Ha
-  3 Ha
-  8 Ha
-  40 Ha
-  80 Ha
-  200 Ha



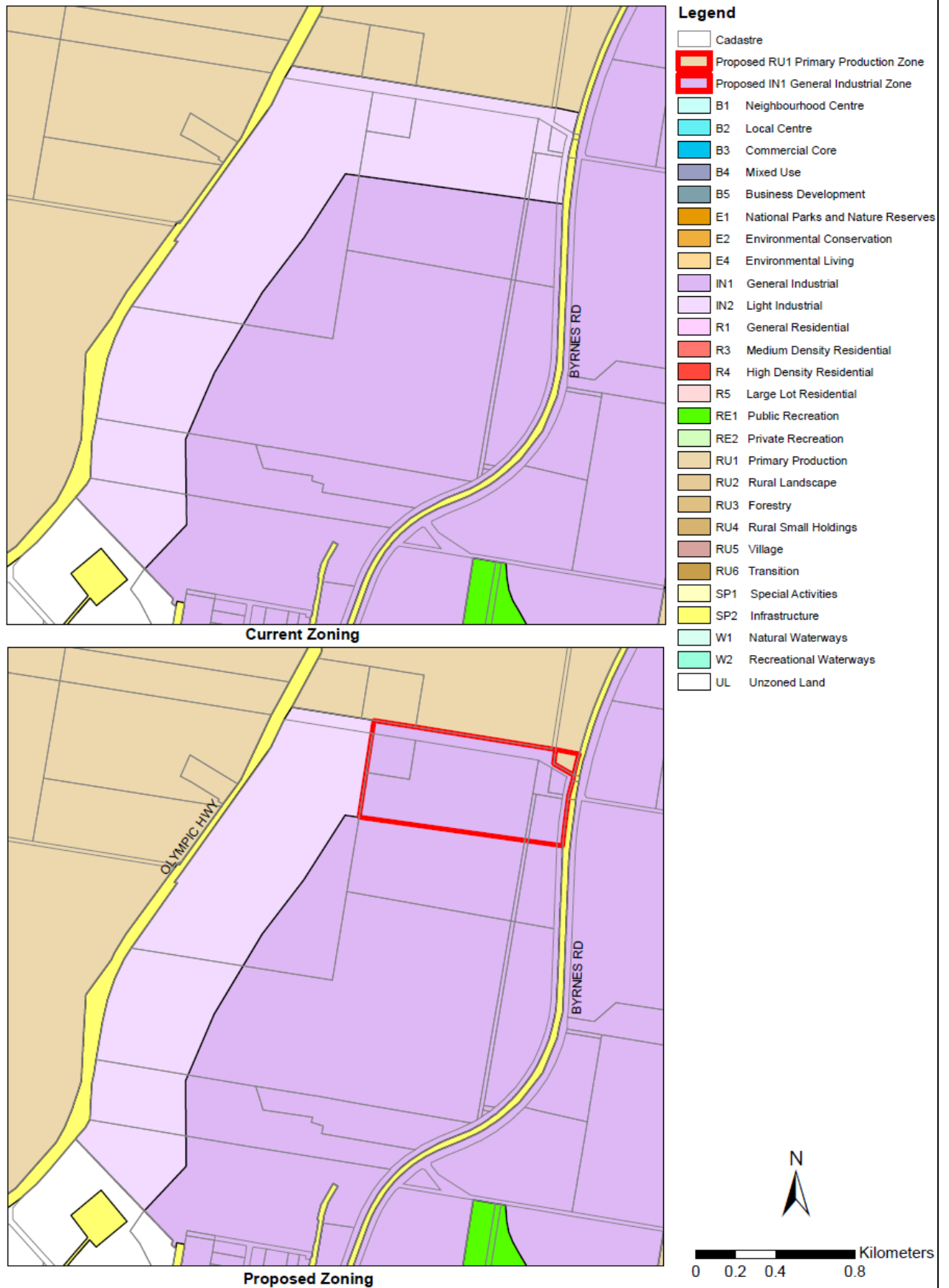
Proposed Minimum Lot Size



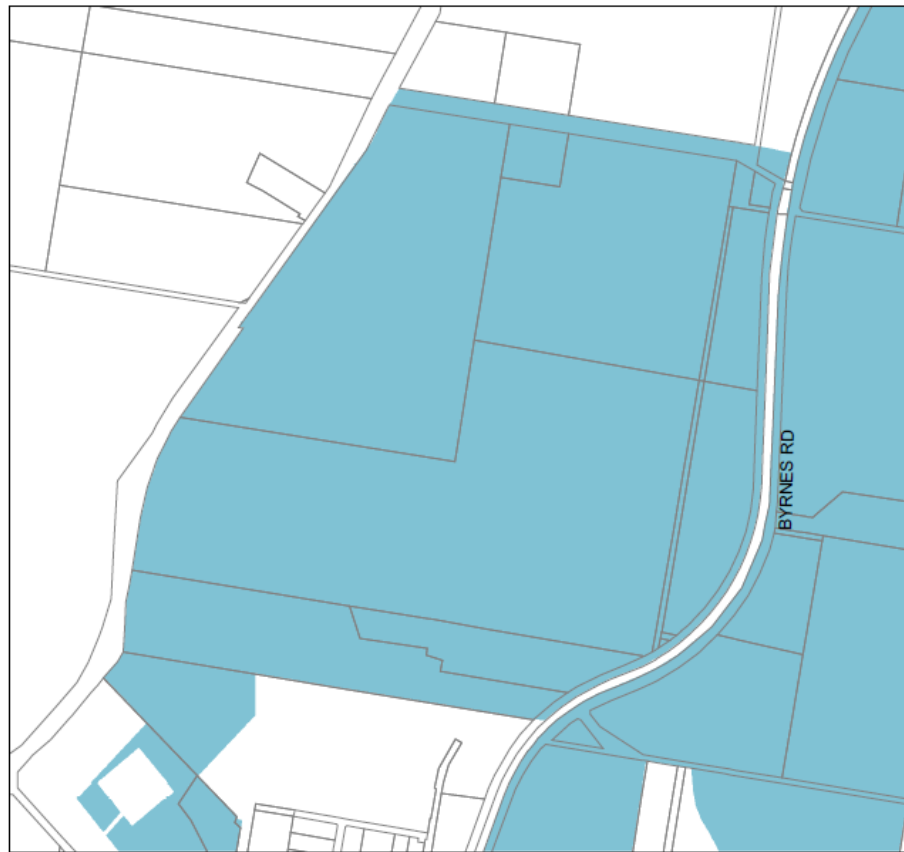
0 225 450 900 Meters



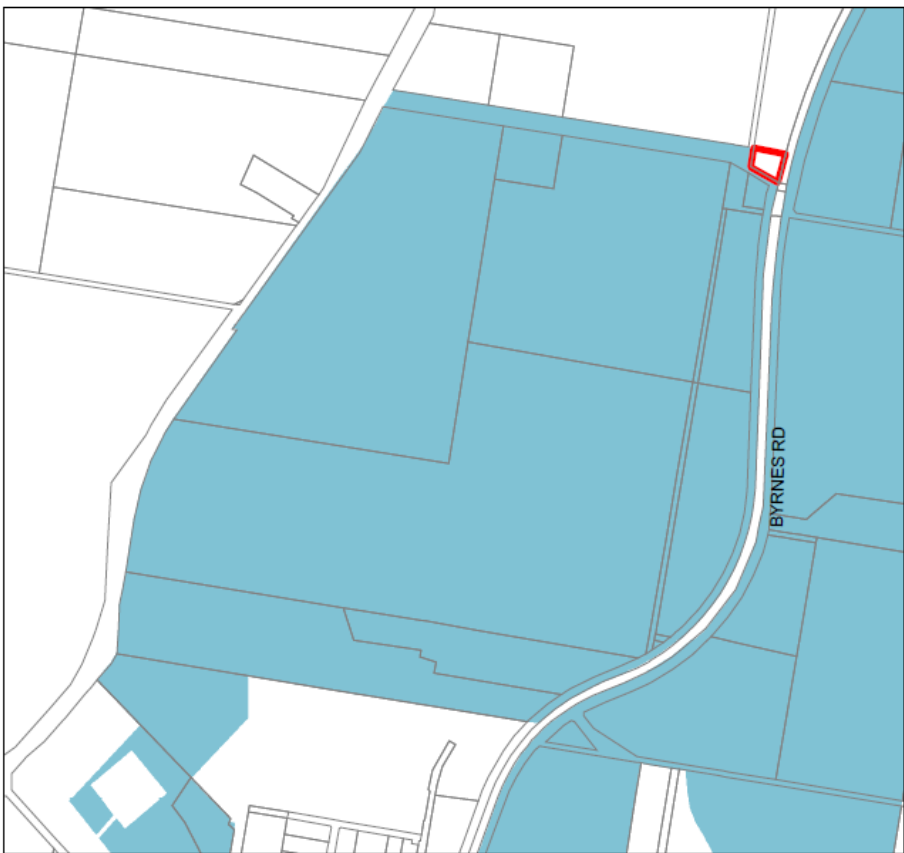
Item 4 - Land Zoning Map



Item 4 - Urban Release Area



Current Urban Release Area



Proposed Urban Release Area

Legend

-  Cadastre
-  Propose removal of urban release area
-  Urban Release Area



0 0.2 0.4 0.8 Kilometers



Appendix 2: Council Meeting Report and Minutes

MINUTES of the ORDINARY MEETING OF COUNCIL held on Monday 15 December 2014.

PSRP-10 PLANNING PROPOSAL TO AMEND WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - GROUPING PLANNING PROPOSAL 2014/2

Councillor J McLaren declared a Pecuniary Interest and vacated the chamber the time being 6.11pm.

14/347 RESOLVED:

On the Motion of Councillors G Hiscock and K Pascoe

That Council:

- a finalise the preparation of a planning proposal as outlined in the report with the exception of Item 1 Brunslea Park
- b be provided with further information regarding Item 1 Brunslea Park to allow additional consideration to be given to this proposal
- c submit the planning proposal with the exception of Item 1 Brunslea Park to the Department of Planning and Environment for a Gateway Determination

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

The Mayor, Councillor R Kendall
Y Braid
A Brown
G Conkey OAM
P Funnell
G Hiscock
K Pascoe
K Poynter
D Tout
A Negline

Against the Motion

CARRIED

Councillor J McLaren re-entered the chamber the time being 6.12pm.



PSRP-10 PLANNING PROPOSAL TO AMEND WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - GROUPING PLANNING PROPOSAL 2014/2

Councillor J McLaren declared a Pecuniary interest and vacated the chamber the time being 8.35pm.

Recommendation:

On the Motion of Councillors G Conkey OAM and K Pascoe

That Council:

- a finalise the preparation of a planning proposal as outlined in the report with the exception of Item 1 Brunslea Park
- b be provided with further information regarding Item 1 Brunslea Park to allow additional consideration to be given to this proposal
- c submit the planning proposal with the exception of Item 1 Brunslea Park to the Department of Planning and Environment for a Gateway Determination

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

The Mayor, Councillor R Kendall
Y Braid
G Conkey OAM
P Funnell
G Hiscock
K Pascoe
K Poynter
D Tout
A Negline

Against the Motion

CARRIED

Councillor P Funnell vacated the chamber the time being 8.36pm.

Councillor P Funnell re-entered the chamber the time being 8.38pm.

Councillor J McLaren re-entered the chamber the time being 8.50pm.



PSRP-10 PLANNING PROPOSAL TO AMEND WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - GROUPING PLANNING PROPOSAL 2014/2

Author: Golden, Crystal
Director: Crakanthorp, Andrew

Recommendation**That Council:**

- a finalise the preparation of a planning proposal as outlined in the report, and**
- b submit the planning proposal to the Department of Planning and Environment for a Gateway Determination**

Executive Summary

This report seeks Council's support to submit a planning proposal under Section 56 of the *Environmental Planning and Assessment Act 1979* to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP).

In order to manage WWLEP amendment applications, enable better utilisation of staff resources and improve processing times, in August 2013, Council resolved:

That Council:

- a endorse the process of submitting two Planning Proposals per year*
- b consider the submission of additional Planning Proposals under Section 73A of the Environmental Planning and Assessment Act 1979 or Planning Proposals that have significant positive economic or social impact as detailed in the body of the report*

This proposal is the second round of amendments for 2014 to be considered under this process and is known as '2014/2 Grouping Planning Proposal'.

Report

The following items are included in the 2014/2 Grouping Planning Proposal. The items are categorised by either mapping amendments or written instrument amendments. There are six (5) mapping amendments and two (2) written instrument amendments as identified below:

Mapping Amendments:

- Item 1 – Brunslea Park
- Item 2 – Estella Business Zone
- Item 3 – Gregadoo Waste Management Facility
- Item 4 – Hill Top – Bourkelands
- Item 5 – Bomen Minimum Lot Size and Zoning

Written Instrument Amendments:

- Item 6 – Industrial Retail Outlet Percentage
- Item 7 – Exempt Development Provisions



A summary of the amendments is provided below:

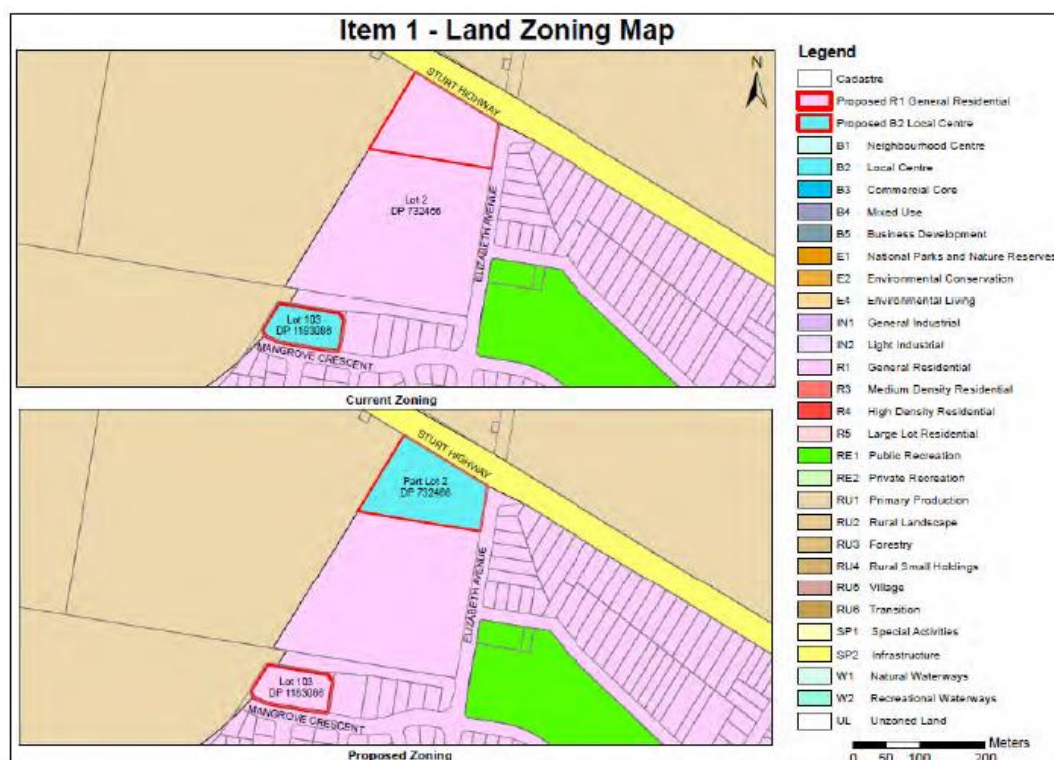
Mapping Amendments:

Item 1 – Brunslea Park:

Rezone land identified as part Lot 2 DP 732466 from R1 General Residential to B2 Local Centre and apply a 10m height restriction and 1:1 floor space ratio and rezone land identified as Lot 103 DP 1183086 from B2 Local Centre to R1 General Residential and remove height of building and floor space ratio restrictions.

This amendment is a result of an application made by Salvestro Planning on behalf of Doug Brunskill. The purpose of the application is to relocate the existing B2 Local Business zone and increase the area of land set aside for retail, business, entertainment and community uses from 0.7ha to 1.6ha.

The proposed outcome is identified in the map below:



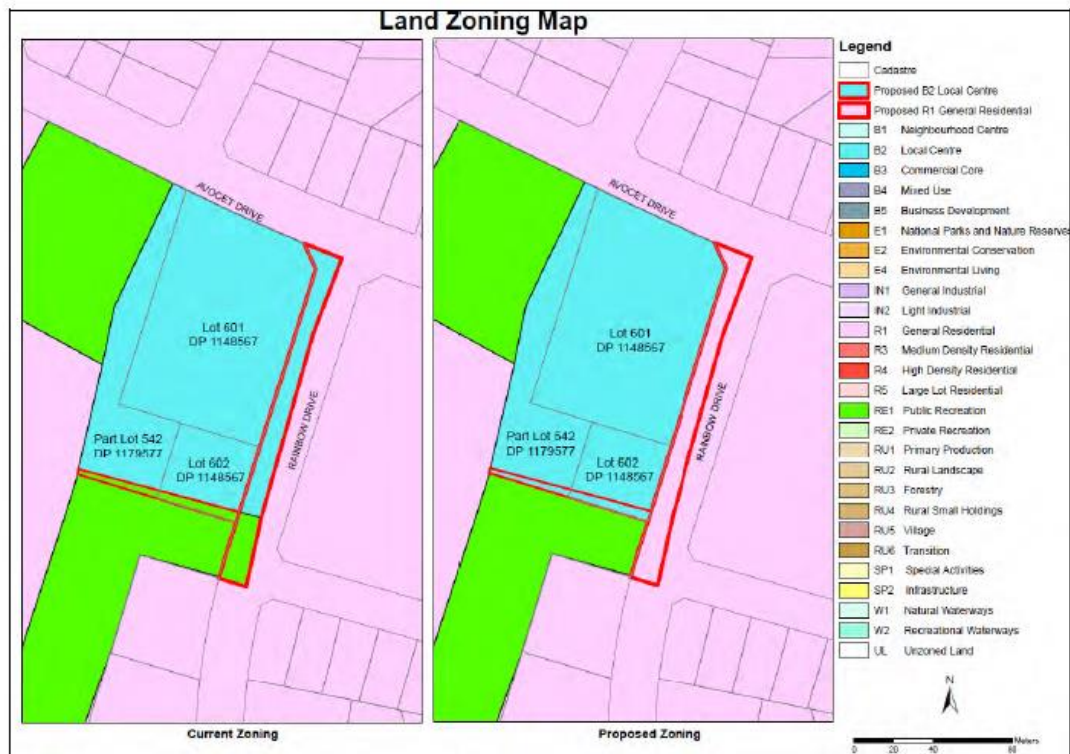
Item 2 – Estella Business Zone:

Rezone land identified as part Lot 602 DP 1148567 from RE1 Public Recreation to B2 Local Centre to align the zone with the lot boundary, remove the dual zoning within the road corridor adjacent to the B2 zone and amend the land reservation acquisition map to reflect property boundaries.

This amendment has been initiated by staff to correct minor zoning anomalies with the B2 Local Centre zoning in Estella.

The proposed outcome is identified in the map below:



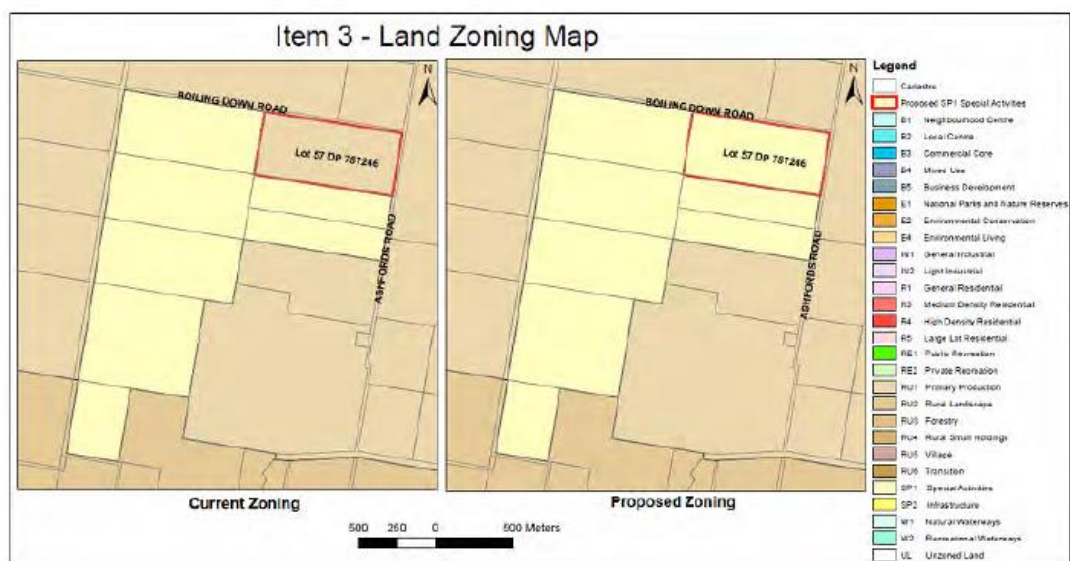


Item 3 – Gregadoo Waste Management Facility:

Rezone land identified as Lot 57 DP 757246 from RU1 Primary Production to SP1 Special Infrastructure (Waste Disposal Facility) and remove the minimum lot size restrictions.

This amendment is initiated by staff as a result of Council purchasing the subject land for the use as Gregadoo Waste Management Facility. The land is currently classified as Council operational land.

The proposed outcome is identified in the map below:

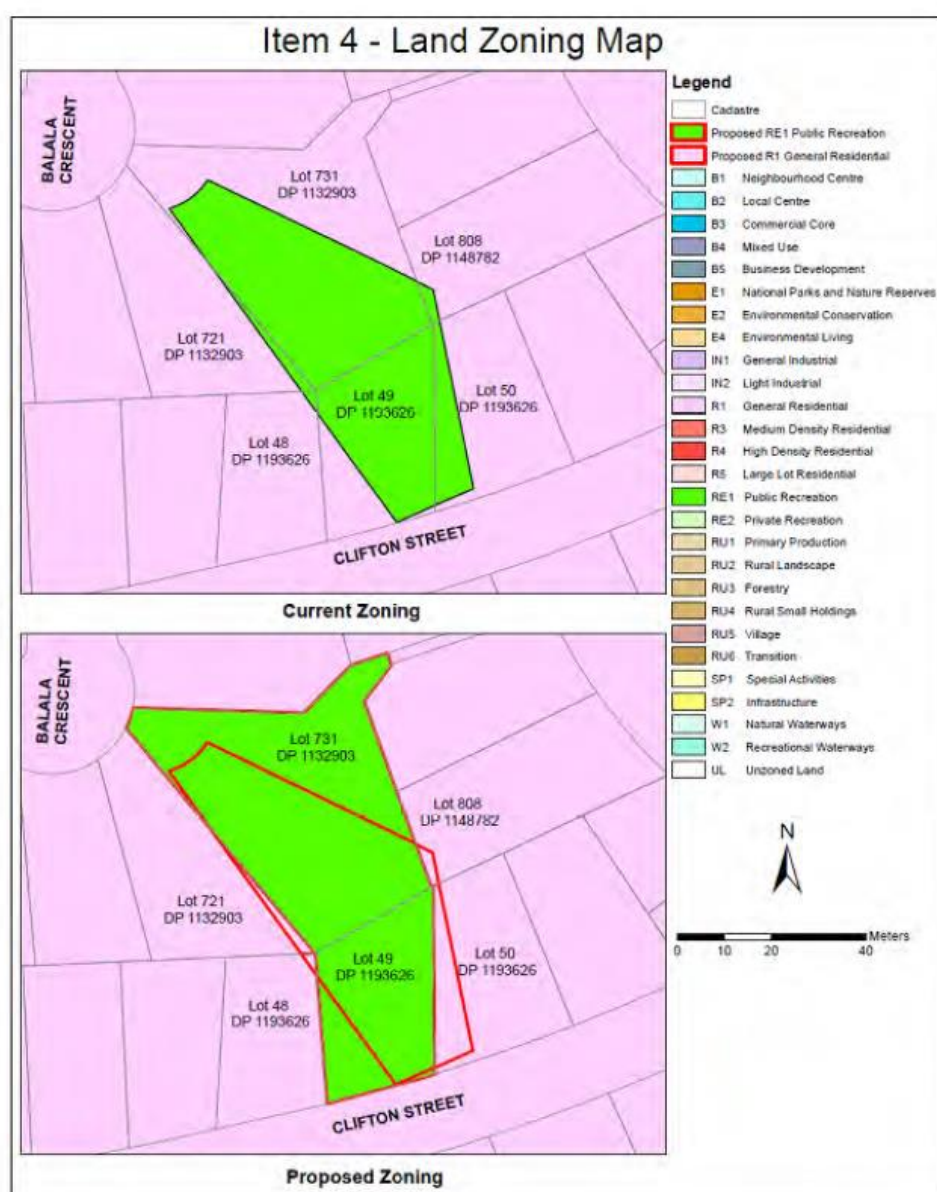


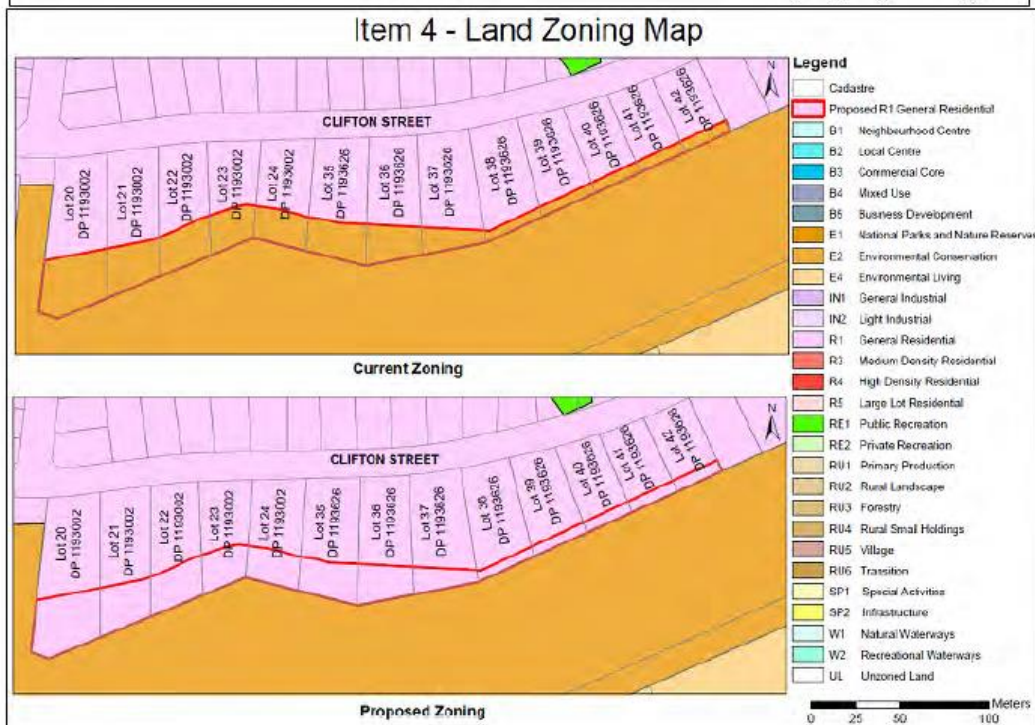
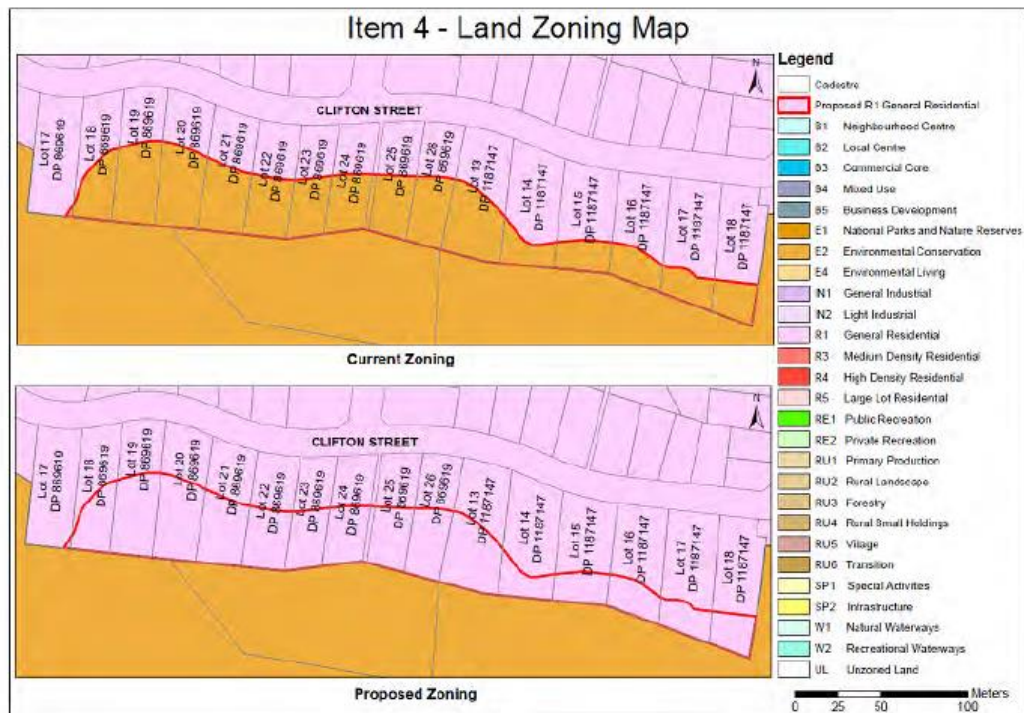
Item 4 – Hilltop – Bourkelands:

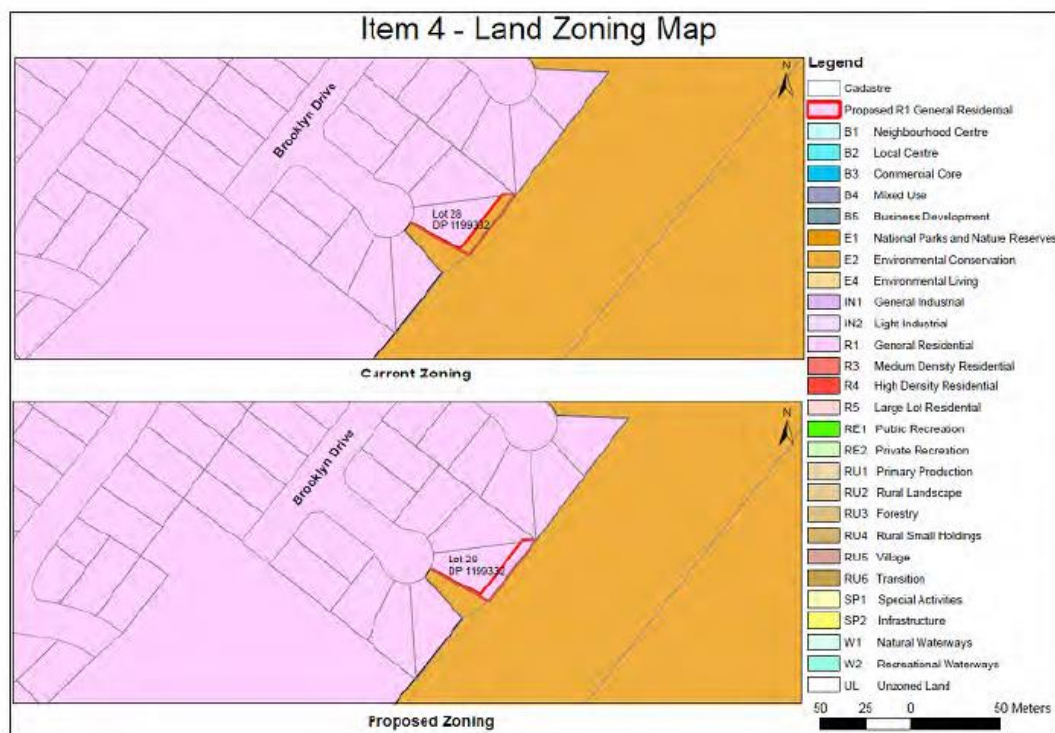
Rezone land identified in the proposal to amend the E2 Environmental Conservation and RE1 Public Recreation zoning to reflect the approved subdivision layout.

This part of the proposal corrects a number of zoning anomalies with RE1 Public Recreation and E2 Environmental Conservation zoning. The current RE1 public recreation zoning reflects the adopted master plan layout which has been amended via approval of subdivision of the subject site. The current E2 Environmental Conservation zone was originally put in place to represent and protect the White Box Woodland. Aerial imagery provided by land and property between 2001 and 2014 provides evidence that there weren't any White Box Woodland on the on the subject land when the E2 Environmental Conservation zone was introduced (refer to attached proposal).

The proposed outcomes are identified on the maps below:







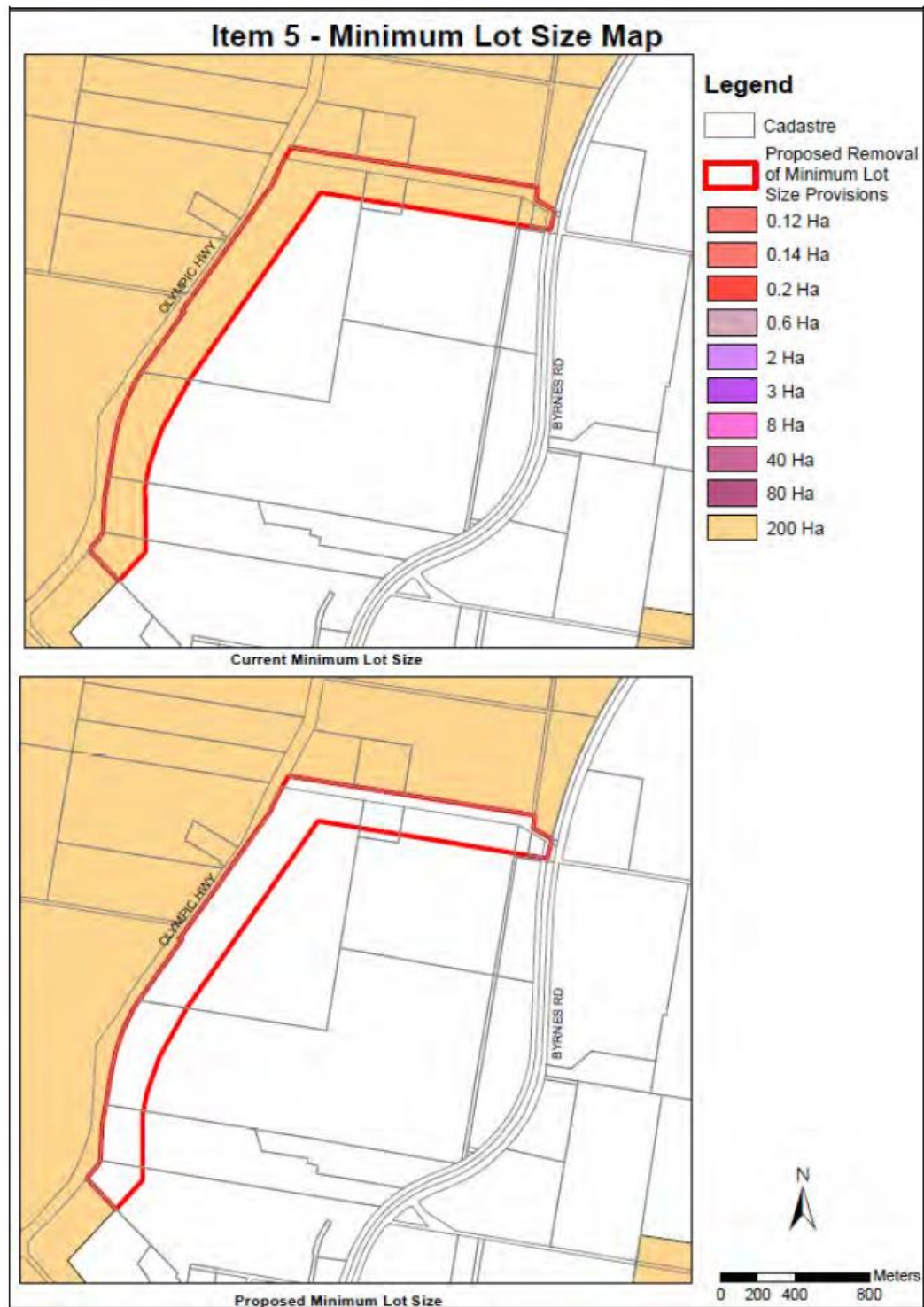
Item 5 – Bomen Minimum Lot Size and Zoning:

Rezone land identified in the proposal from IN2 Light Industrial to IN1 General Industrial, remove the minimum lot size provisions from land identified in the proposal and rezone Part Lot 4 DP 701865 from IN2 Light Industrial to RU1 Primary Production and remove from the urban release area map.

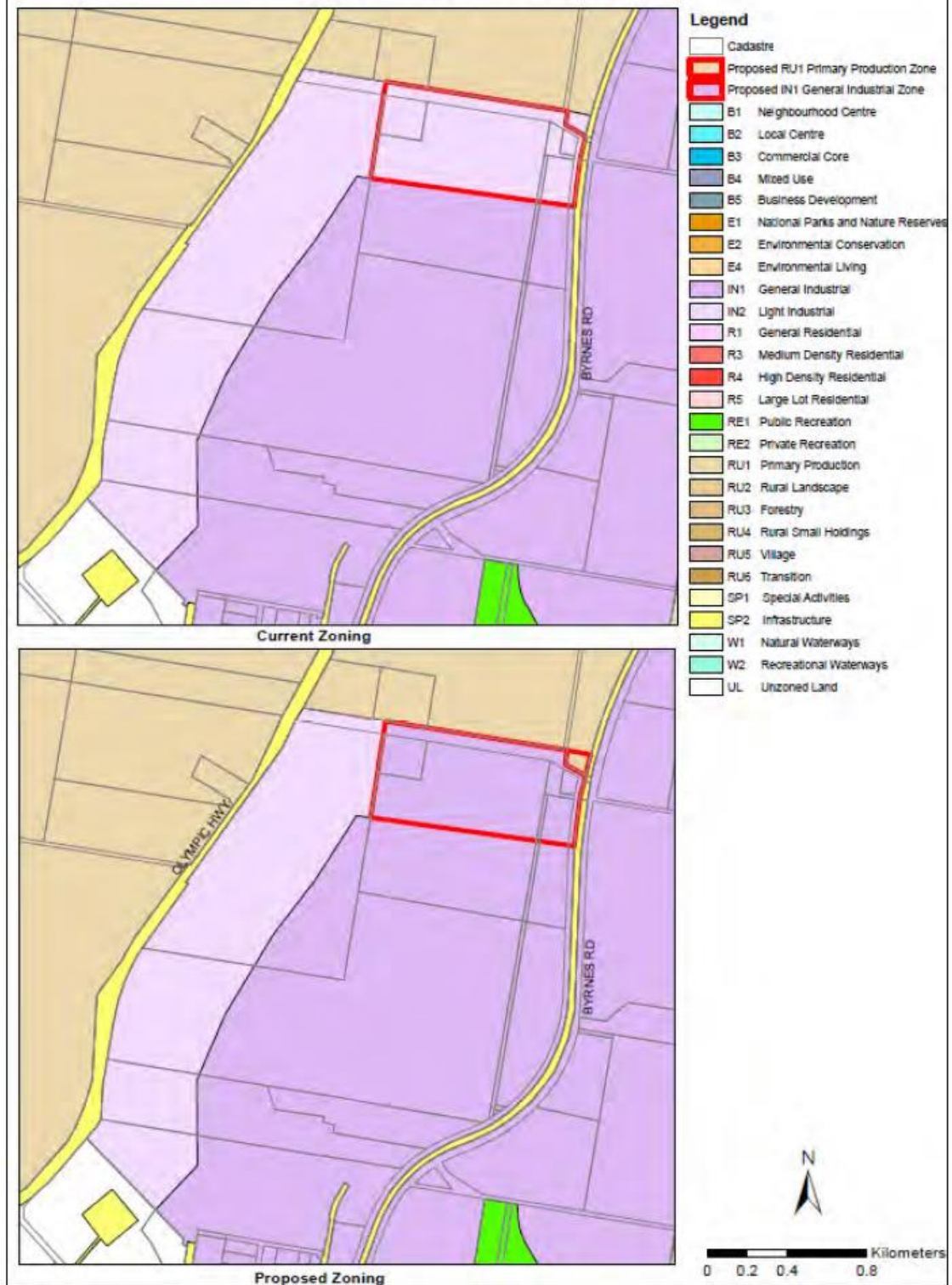
The purpose of this amendment is to make minor changes to the zoning and minimum lot size in the Bomen urban release area to enable the development of the Bomen Industrial Park, Riverina Intermodal Freight and Logistics hub and achieve the outcomes of the Bomen Strategic Master Plan.



The proposed outcomes are identified on the maps below:



Item 5 - Land Zoning Map



Written Instrument Amendments:

Item 6 – Industrial Retail Outlet Percentage:

Amend the industrial retail outlet percentage in clause 5.4 (4) from 11% to the maximum threshold in the standard instrument local environmental plan of 30% as resolved by Council in April 2014:

That Council:

- h refer the issue of amending Section 5.4 of the LEP to the next Planning Proposal with a view to amending the Industrial retail outlet ratio to 30% of 400sqm whichever is greater*

The proposed outcome will be achieved by amending clause 5.4 (4) in the WW LEP as identified in red text shown below:

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) 30% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or*
(b) 400 square metres,
whichever is the lesser.

Item 7 – Exempt Development Provisions:

Amend Schedule 2 Exempt Development to delete a number of exempt development provisions to ensure the Local Environmental Plan is consistent with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

The schedule will be amended to remove the following development types covered by the Codes SEPP:

- Signage – fascia signs
- Signage – real estate signs
- Signage – top hamper signs
- Signage – under awning signs
- Signage – wall signs
- Signage – window signs
- Tennis courts

In addition, the following development types will be included in the schedule as exempt development as they are not included in the Codes SEPP:

- Banners and flags used for promotional purposes
- Emergency Services Facilities
- Events

This will enable such developments that are of minimal environmental impact to be undertaken without Council's consent.

Budget

N/A



Policy

Environmental Planning and Assessment Act 1979.
Wagga Wagga Local Environmental Plan 2010, as amended.
Wagga Wagga Development Control Plan 2010, as amended.

Impact on Public Utilities

As identified in the Planning Proposal, the majority of the amendments are minor in nature and adequate public infrastructure is available.

Link to Strategic Plan

4. We have a sustainable natural and built environment

4.2 We plan for resilient and sustainable built environments

QBL Analysis

	Positive	Negative
Social	The planning proposal items are all located in areas where existing schools, hospitals and retail centres are located to support the proposed amendments.	Item 1 of the proposal will have impacts on the existing retail centre within the Forest Hill locality. It is anticipated that a retail strategy will be required as part of a Gateway Determination.
Environmental	The proposal maintains the environmental protection standards of environmentally sensitive land.	The proposal reduces environmental protection zoning within the Clifton Street area however, the reduction is of land with no environmental significance.
Economic	The proposal will facilitate further economic investment within the local government area.	Item 1 of the proposal is a significant increase in business zoned land in the Forest Hill locality. This may have impacts on the existing businesses in the area.
Governance	A number of the amendments will assist with the processing of development applications.	During the exhibition period, development applications on land subject to the proposal will be accepted but cannot be determined until gazettal of the proposed amendments. This may result in greater application processing times for some development applications.

Risk Management and Work Health and Safety Issues for Council

There are no known risk management or work health and safety issues as part of this proposal.



Internal / External Consultation

Internal consultation has been undertaken with the LEP Working group.

External consultation will occur in accordance with Section 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* and the Gateway Determination.



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 Local Government Area

Name of draft LEP: 2014/1 Grouping Planning Proposal

Address of Land (if applicable): Numerous addresses

Intent of draft LEP: To amend the Wagga Wagga Local Environmental Plan 2010

Additional Supporting Points/Information: N/A



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?	Y			
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?	Y			
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?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office	N			



been obtained?				
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?	N/A			
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	N/A			
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N			
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?	N/A			
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	N/A			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	N/A			
Spot Rezonings	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?	N/A			
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				



Does the proposed instrument	N			
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.



Appendix 4: Information Checklist

ATTACHMENT 1 - INFORMATION CHECKLIST

▶ STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|--|--|
| <ul style="list-style-type: none"> Objectives and intended outcome Mapping (including current and proposed zones) Community consultation (agencies to be consulted) | <ul style="list-style-type: none"> 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			- Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) - Sea level rise	☐ ☐	☒ ☒
- Demonstrated consistency with relevant Regional Strategy - Demonstrated consistency with relevant Sub-Regional strategy - Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy - Demonstrated consistency with Threshold Sustainability Criteria	☐ ☐ ☒ ☐	☒ ☒ ☐ ☒	Urban Design Considerations		
Site Description/Context			- Existing site plan (buildings vegetation, roads, etc) - Building mass/block diagram study (changes in building height and FSR) - Lighting impact - Development yield analysis (potential yield of lots, houses, employment generation)	☐ ☒ ☐ ☐	☒ ☐ ☒ ☒
- Aerial photographs - Site photos/photomontage	☒ ☐	☐ ☒	Economic Considerations		
Traffic and Transport Considerations			- Economic impact assessment - Retail centres hierarchy - Employment land	☐ ☐ ☐	☒ ☒ ☒
- Local traffic and transport - TMAP - Public transport - Cycle and pedestrian movement	☐ ☐ ☐ ☐	☒ ☒ ☒ ☒	Social and Cultural Considerations		
Environmental Considerations			- Heritage impact - Aboriginal archaeology - Open space management - European archaeology - Social & cultural impacts - Stakeholder engagement	☐ ☐ ☐ ☐ ☒ ☒	☒ ☒ ☒ ☒ ☐ ☐
- Bushfire hazard - Acid Sulphate Soil - Noise impact - Flora and/or fauna - Soil stability, erosion, sediment, landslip assessment, and subsidence - Water quality - Stormwater management - Flooding - Land/site contamination (SEPP55)	☒ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☒	☐ ☒ ☒ ☐ ☒ ☒ ☒ ☒ ☒ ☐	Infrastructure Considerations		
			Infrastructure servicing and potential funding arrangements	☐	☒
			Miscellaneous/Additional Considerations		
			List any additional studies		

