

Ref: Strategic Planning
Contact: Ian Grant

22 May 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) - Rezoning of Land on the Sturt
Highway, Gumly Gumly from RU1 Primary Production, RE1 Public
Recreation and B1 Neighbourhood Centre to B6 Enterprise Corridor**

At the Ordinary Council Meeting on 25 March 2013 Wagga Wagga City Council resolved to forward the attached planning proposal for the change of zone over the subject land to the Department of Planning and Infrastructure under section 56(1), requesting that the Minister issue a "Gateway determination" that will allow the planning proposal to proceed.

The planning proposal seeks to rezone Land north and south of the Sturt Highway, Gumly Gumly from RU1 Primary Production, RE1 Public Recreation and B1 Neighbourhood Centre to B6 Enterprise Corridor. The subject land forms part of a larger B6 Enterprise Corridor precinct on the Sturt Highway.

The rezoning of the northern portion of the larger B6 Enterprise Corridor precinct received Gateway determination on 2 November 2012. Public consultation concerning the rezoning of the northern portion of the proposed B6 Enterprise Corridor precinct was undertaken from 17 December 2012 to 8 February 2013.

After consulting with public authorities, the Office of Environment and Heritage informed Council that OEH does not support the Planning Proposal for the northern portion of the B6 Enterprise Corridor due to a number of outstanding issues relating to flood modelling and cumulative impacts of development on the Gumly Gumly floodplain. Following the last 2 major flood events there is likely to be a 'Rating Curve' shift for the gauging station on the Murrumbidgee River at Wagga. Early indications are that the 1% and 5% AEP design flood levels may rise significantly. OEH is of the view that the planning proposal for rezoning of the northern precinct should be deferred until remodelling is completed.

In relation to the concern raised by OEH that a better understanding of the flooding issues is gained using current floodplain conditions, the Flood Impact



Assessment (WMAwater, November 2012) shows that this planning proposal is much less likely to be affected by a revised Rating Table than the northern portion of the B6 Enterprise Corridor. Peak flood depths in a 1% AEP Design Event south of the Sturt Highway are considerably lower than north of the highway. Contrary to the northern portion of the precinct the Land included in this planning proposal is above the 20 year ARI event flood level and has no flood runner affecting the land.

This planning proposal reflects option 2 of the Flood Impact Assessment. Option 2 reduces the area of the portion south of the highway that was initially considered for rezoning. The area removed from the precinct was subject to high hazard and flood depths of over 1m and is not part of this planning proposal.

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

- Council Report
- Planning Proposal and attachments
- Flood Impact Assessment
- Habitat Assessment

In accordance with section 56(1) of the EP&A Act, it is requested that the Minister issue a Gateway Determination to proceed with the attached planning proposal. Council's delegated authority is sought for this proposal.

Should you require any further information or have any questions about this matter, please contact me by telephone (02) 6926 9517 or email grant.ian@wagga.nsw.gov.au.

Yours sincerely

Ian Grant
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 | • Explanation of provisions |
| • Mapping (including current and proposed zones) | • Justification and process for implementation
(including compliance assessment against
relevant section 117 direction/s) |
| • Community consultation (agencies to be consulted) | |

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

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:

Wagga wagga LEP - Rezone land at Gumly Gumly to B6 Enterprise Corridor

Address of Land (if applicable):

Various lots on Sturt Highway, Gumly Gumly

Intent of draft LEP:

Rezone land from RUI to B6, ~~and~~ rezone land from REI to B6, and rezone land from B1 to B6.

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?		✓		
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?	Y		
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.			