

Amend Wagga Wagga LEP 2010 - Rezone land north and south of the Sturt Hwy, Gumly Gumly to B6 Enterprise Corridor Zone

Proposal Title :	Amend Wagga Wagga LEP 2010 - Rezone land north and south of the Sturt Hwy, Gumly Gumly to B6 Enterprise Corridor Zone		
Proposal Summary :	Council seeks to rezone approximately 24 hectares of private land located north and south of the Sturt Highway at Gumly Gumly, Wagga Wagga, from RE1 Public Recreation Zone (No minimum lot size(MLS)), B1 Neighbourhood Centre Zone (No MLS) and RU1 Primary Production Zone (200 hectare MLS) to B6 Enterprise Corridor Zone (No MLS).		
PP Number :	PP_2013_WAGGA_004_00	Dop File No :	13/09062

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
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes

Additional Information : The Deputy Director General Planning Operations and Regional Delivery, 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 rezone land along the Sturt Highway to B6 Enterprise Corridor Zone 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 must be made publicly available for 28 days;
- (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); and
- (c) landowners within close proximity to the site or affected by flood impacts be advised of the public exhibition of the planning proposal.

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

- Office of Environment and Heritage (Inland Flood Unit)
- Transport for NSW - Roads and Maritime Services

Any submissions from these State agencies received by Council are also to be provided to the Department prior to community consultation. Council should also provide advice how any additional flooding comments affect the planning proposal's consistency with s117 Direction 4.3 Flood Prone Land.

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.

Amend Wagga Wagga LEP 2010 - Rezone land north and south of the Sturt Hwy, Gumly Gumly to B6 Enterprise Corridor Zone

3. 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).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. The Council is to prepare draft LEP Maps that are consistent with the latest version of the "Standard technical requirements for LEP maps" and the draft maps are to be placed on public exhibition as part of community consultation.

6. The Council is to revise the planning proposal prior to community consultation to include a draft land use table for the B6 Enterprise Corridor Zone that is consistent with planning proposal PP_2012_WAGGA_007_00 issued with a Gateway determination on the 2 November 2012.

7. The Director General can be satisfied that the inconsistencies of the planning proposal with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport and 6.2 Reserving Land for Public Purposes are of minor significance.

8. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions, except for 4.3 Flood Prone Land, or that any inconsistencies are only of minor significance.

9. No further referral in relation to s117 Directions is required except for 4.3 Flood Prone Land.

10. A request by Council for Authorisation to use its delegation should be declined in light of the advice being sought from Office of Environment and Heritage and Transport Roads and Maritime Services.

Supporting Reasons :

1. The planning proposal should include draft LEP Maps consistent with the requirements of "A guide to preparing local environmental plans" (DPI April 2013) and the "Standard technical requirements for LEP maps" (November 2012).

2. The Wagga Wagga LEP 2010 currently does not have a B6 Enterprise Corridor Zone. The planning proposal should therefore include a land use table for the B6 Enterprise Corridor Zone that is consistent with the proposed B6 land use table in PP_2012_WAGGA_007_00.

3. To provide an opportunity for the Office of Environment and Heritage and Transport Roads and Maritime Services to provide feedback to Council on flooding (S117 Direction 4.3 Flood Prone Land) and traffic impacts on the Sturt Highway prior to community consultation.

4. Delegation of plan making functions should be declined because the Department has not yet approved the inconsistency with s117 Direction 4.3 Flood Prone Land and delegation was not provided for a similar planning proposal (PP_2012_WAGGA_007_00) on land adjacent to the subject site. In addition advice is being sought from Transport Roads and Maritime Services concerning potential access to the Sturt Highway.

Panel Recommendation

Recommendation Date : 04-Jul-2013

Gateway Recommendation : Passed with Conditions

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include:

- a draft land use table for zone B6 Enterprise Corridor, consistent with the land use table

Amend Wagga Wagga LEP 2010 - Rezone land north and south of the Sturt Hwy, Gumly Gumly to B6 Enterprise Corridor Zone

included in planning proposal PP_2012_WAGGA_007_00, which was issued with a Gateway determination on 2 November 2012;

- sufficient additional information on flooding to justify the proposal's inconsistency with S117 Direction 4.3 Flood Prone Land. Council is to consult with the Office of Environment and Heritage regarding flooding matters and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition; and
- existing and proposed land zoning and lot size maps, which are at an appropriate scale and clearly identify the subject site.

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:

- (a) the planning proposal must be made publicly available for a minimum of 28 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 address consistency with relevant S117 Directions:

- Transport for NSW – Roads and Maritime Services
- Office of Environment and Heritage (S117 Direction 4.3 Flood Prone Land)

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. A copy of public authority submissions received is to be forwarded to the regional office of the department.

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

Signature:



Printed Name:

MEN SENIOR

Date:

2/7/13