

Amend Wagga Wagga LEP 2010 - B5 Business Development Zone Dobney Avenue and Pearson Street

Proposal Title : Amend Wagga Wagga LEP 2010 - B5 Business Development Zone Dobney Avenue and Pearson Street

Proposal Summary : Wagga Wagga City Council (RPA) seeks to amend Wagga Wagga LEP 2010 to zone land along Dobney Avenue and Pearson Street Wagga Wagga from IN2 Light Industrial Zone to B5 Business Development Zone.

This area is currently developed and contains a mixture of light industrial and retail land uses, including bulky goods premises.

The main intent of the change in zone is to permit 'bulky goods premises' within the Dobney Av./Pearson St. precinct and still permit a mix of light industrial and retail uses that are currently permitted in the IN2 Light Industrial Zone.

The Wagga Wagga LEP 2010 currently does not have a B5 Business Development Zone and the amendment will also create a new land use table for the B5 Business Development Zone.

PP Number : PP_2011_WAGGA_003_00 **Dop File No :** 11/21022-1

Proposal Details

Date Planning Proposal Received :	06-Dec-2011	LGA covered :	Wagga Wagga
Region :	Southern	RPA :	Wagga Wagga City Council
State Electorate :	WAGGA WAGGA	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Pearson Street		
Suburb :	Wagga Wagga	City :	Wagga Wagga
		Postcode :	2650
Land Parcel :	Land as shown on the locality map entitled "Attachment A" accompanying the planning proposal		
Street :	Dobney Avenue		
Suburb :	Wagga Wagga	City :	Wagga Wagga
		Postcode :	2650
Land Parcel :	Land as shown on the locality map entitled "Attachment A" accompanying the planning proposal		

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DoP Planning Officer Contact Details

Contact Name : **Graham Judge**
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RPA Contact Details

Contact Name : **Christopher Pelcz**
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DoP Project Manager Contact Details

Contact Name : **Graham Towers**
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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) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

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

Supporting notes

Internal Supporting Notes : **The PP will permit 'bulky goods premises' in addition to 'light industries' and a number of other types of retail premises currently permitted in the IN2 Light Industrial Zone, i.e**
-Garden centres,
-Hardware and building supplies,
-Landscape material supplies,
-Plant nurseries,
-Rural supplies,
-Take away food and drink premises,
-Timber yards, and
-vehicle sales and hire premises.

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External Supporting
Notes :

Wagga Wagga City Council has submitted the PP after a number of meetings/discussions with the Regional Office. Initially Council wanted to permit bulky goods premises in the precinct using Schedule 1 Additional permitted uses. The Regional Office advised Council that it was the Department's preference that land use zones be used to reflect the permissibility of land uses rather than using Schedule 1 of the LEP.

It was agreed that the B5 Business Development Zone provided the 'best fit' for permitting 'Bulky goods premises', Light industries and other retail uses currently permitted in the IN2 Light Industrial zone. These discussions are reflected in the Council's PP.

The PP clarifies a couple of matters, i.e.

- justification of the PP on the basis on locality for bulky goods premises;
- justification of the PP on the basis of submissions received from landowners; and
- clarification that retail uses previously permitted in the IN2 Light Industrial Zone will continue to be permitted in the B5 Business Development Zone (in addition to bulky goods premises).

The PP makes reference to the Council document "Retail and Commercial Strategy City of Wagga Wagga" dated April 2007 and this report is included as part of the documentation.

Based on a review of the PP by the Regional Office the Council submitted a revised PP on the 6 December 2011. The Council amended the PP to ensure 'Child care centres' and 'Respite day care centres' are permitted in the B5 Business Development Zone consistent with the Standard Instrument.

Council also provided further information on the differences between the IN2 Light Industrial land use table and the B5 Business Development Zone land use table.

Adequacy Assessment

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

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

Comment : **The Statement clearly indicates the intent of the PP is to amend Wagga Wagga LEP 2010 to;**
-zone land along Dobney Avenue and Pearson Street Wagga Wagga from IN2 Light Industrial Zone to B5 Business Development Zone; and
-insert a B5 Development Business Zone Land Use Table.

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

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

Comment : **Council has clearly indicated the land to be zoned from IN2 Light Industrial Zone to B5 Business Development Zone and the outline of the B5 land use table.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **There are no inconsistencies with any s117 Directions of SEPPs.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Site identification LEP map, air photo and amending LEP map sheets have been submitted with the PP and are considered to be adequate.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **To be at the discretion of the Gateway Determination.**

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 : **July 2010**

Comments in relation to Principal LEP : **Wagga Wagga Standard Instrument LEP 2010 was published on the 16 July 2010.**

Assessment Criteria

Need for planning proposal : **The PP is the only means by which Council can change the zone from IN2 Light Industrial Zone to B5 Business Development Zone in order to permit Bulky goods premises and light industrial uses in the Dobney Av/Pearson St precinct.**

The change in zone will better reflect the existing uses within this precinct and the wishes of both Council and land owners.

Consistency with strategic planning framework : **The proposal is consistent with Council's strategy of concentrating large format retail development such as bulky goods premises, garden centres, hardware and building supplies, landscape material supplies, plant nurseries, timber yards and vehicle sales or hire premises on land west of the Wagga Wagga CBD. Other forms of retail are prohibited in the B5 Business Development Zone to ensure the CBDs function as a regional shopping centre is not undermined.**

Environmental social economic impacts : **The zone change to B5 Business Development Zone is unlikely to have a significant adverse environmental, social or economic impact. The precinct is already developed and zoned as employment land and the zone change reflects the existing uses within the area and the intended future role of the area.**

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Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority
Consultation - 56(2)(d)
:

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 :

No additional studies are required.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering_Letter_20111124.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal	Yes
Council resolution.pdf	Proposal	Yes
Attachment A.pdf	Map	Yes
Attachment B.pdf	Map	Yes
LZN_003C.pdf	Map	Yes
LZN_004D.pdf	Map	Yes
Retail	Study	Yes
_Commercial_Development_Strategy_Report_2007.pdf		
Changes of use for B5 zone.pdf	Proposal	Yes
Zone B5 Business Development.pdf	Proposal	Yes
Planning Proposal - Section 117.pdf	Proposal	Yes
Letter to DoPI 20111206.pdf	Proposal Covering Letter	Yes
Revised Planning Proposal 20111206.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

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S.117 directions:

**1.1 Business and Industrial Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
6.3 Site Specific Provisions**

Additional Information :

The Planning Proposal 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; 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.

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 have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

Supporting Reasons :

The proposal seeks to introduce a new zone into Wagga Wagga LEP 2010 and amend a large section of Wagga Wagga from IN2 Light Industrial Zone to B5 Business Development Zone. The PP therefore requires public consultation for 28 days.

Signature:

Graham Towers A/Local Planning Manager, Southern Region.

Printed Name:

Graham Towers

Date:

7/12/11