

# PLANNING PROPOSAL

## Rezoning of Land at Dobney Avenue and Pearson Street, Wagga Wagga

### PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this Planning Proposal is to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP 2010), by making the following changes:

- Item 1: Rezone land on both the eastern and western sides of Dobney Avenue and Pearson Street between Edward Street and Urana Street from IN2 Light Industrial to B5 Business Development as shown in the site identification map in Attachment A. This will alter the Wagga Wagga LEP 2010 zoning map by removing the indicated extent of land coloured and zoned IN2 Light Industrial and by replacing it with the colour indicating the B5 Business Development Zone. Since this land is not subject to a minimum lot size, no change to the Minimum Lot Size Map is required.
- Item 2: Insert a new B5 Business Development Zone into the WWLEP 2010:
- (a) Identifying a combination of the “Objectives of zone” as described in the Standard Instrument template for both the B5 Business Development and IN2 Light Industrial zones:
    - “To enable a mix of business and warehouse uses and bulky goods premises that require a large floor area, in locations that are close to and that support the viability of centres
    - To enable bulky goods premises and support the viability of the Wagga Wagga central business area
    - To minimise any adverse effect of industry on other land uses
    - To permit other land uses that provide facilities or services to meet the day to day needs of workers in the area”
  - (b) identifying the following land uses as: 2 “Permitted without consent”:

“Home businesses; Home occupations; Roads”
  - (c) identifying the following land uses as: 3 “Permitted with consent”:

“Animal boarding or training establishments; Bulky goods premises; Child care centres; Community facilities; Depots; Garden centres; General industries; Hardware and building supplies; Highway service centres; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); Respite day care centres; Rural supplies; Service stations; Signage; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4”
  - (d) identifying the following land uses as: 4 “Prohibited”:

“Agriculture; Air transport facilities; Airstrip; Amusement centres; Biosolids treatment facilities; Boat building or repair facilities; Boat sheds; Boat

launching ramps; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipad; Home-based child care; Home occupations (sex services); Information and education facilities; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Places of public worship; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Water recreation structures; Wharf or boating facilities”.

## **PART 2 – EXPLANATION OF THE PROVISIONS**

Amend the WWLEP 2010 as set out below:

Item 1: Amend the WWLEP land zoning map as shown in Attachment B. Attachment B shows the extent of the adjusted zone boundaries from IN2 Light Industrial to B5 Business Development.

Item 2: Amend the WWLEP 2010 Land Use Table to include the B5 Business Development zone including: all necessary objectives; uses permitted without consent; uses permitted with consent and; uses prohibited, as are currently included in the WWLEP 2010 for the IN2 Light Industrial zone, to protect the uses and established businesses currently falling within the area identified for change of zoning.

## **PART 3 – JUSTIFICATION**

### **Section A – Need for the planning proposal**

#### **1. Is the planning proposal a result of any strategic study or report?**

The items subject to this Planning Proposal have not been subject to specific strategic reports or studies. The Retail and Commercial Development Strategy, April 2007 prepared by Leyshon Consulting is relevant to item 1.

The *‘Retail and Commercial Development Strategy’* by Leyshon Consulting 2007 argued for an additional 16,068 sq. m of bulky goods floorspace by 2021, most of which would be located in the Southern Growth Area of Wagga. In response, items 1, 3 and 4 in Schedule 1 of the WWLEP 2010 refer to land developed for the purpose of “bulky goods premises”. The total combined area for these sites is 136 187.4 sq. m. assuming that 30% of this area is occupied by floor space; the current WWLEP 2010 would therefore allow approximately 41,000 sq. m. of floor space dedicated to “bulky goods premises”. However, the sites included in Schedule 1 of the Wagga Wagga LEP 2010 are of varying sizes and frontages and are not concentrated in one established high exposure location.

The report also recommended two options for the future of bulky goods development: ‘strip-style’ bulky goods retailing along the Sturt Highway, Edward Street/Hammond Avenue or concentrate development in one (or more) sites around the LGA. It stated that bulky goods retailing would continue to perform best in locations which enjoy maximum exposure to

significant volumes of passing traffic as well as being central to significant catchment populations.

Currently, under the Wagga Wagga LEP 2010, and apart from being allowed for within the "Schedule 1" areas, 'bulky goods premises' are permitted only in the following zones:

- RU5 – Village;
- B3 – Commercial Centre; and
- B4 – Mixed Use.

The Planning Proposal to allow bulky goods premises in the Dobney Avenue and Pearson Street precinct simply by adding the area to those already listed in Schedule 1 of the WWLEP 2010 was met with resistance from the Department of Planning and Infrastructure, whose expressed preference was for the land to be zoned B5 Business Development. Lengthy discussion with the Department on the issue of the need to protect the primacy of the central business area, has now resolved into a positive, agreed position, that of altering the zoning of the land to B5, but with Council being permitted to nominate and permit "Bulky Goods Premises" as the only retail use permitted in that specific zone. However, this Planning Proposal also includes the retail uses permitted with consent under the current IN2 zone, as already negotiated and agreed with the Department of Planning and Infrastructure. This B5 zone would contribute a concentrated supply of land to meet demand for bulky goods retailing in Wagga Wagga into the future. The proposed B5 zone responds to the industry's request for bulky goods floorspace to be located as proposed.

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

Yes. As stated above, under the Wagga Wagga LEP 2010, 'Bulky Goods Premises' are permitted with consent only in the following zones:

- RU5 – Village;
- B3 – Commercial Centre; and
- B4 – Mixed Use.

These zones and their objectives are not compatible with the Dobney Avenue industrial precinct. A B5 zone as proposed, would permit with consent bulky goods premises, whilst still being compatible with the established uses within the current IN2 Light Industrial zoned area.

## **3. Is there a net community benefit?**

Yes. The proposed bulky goods precinct at Dobney Avenue and Pearson Street will provide a net community benefit in meeting latent and growing demand for bulky goods retailing in the region, generating substantial employment in the Wagga Wagga region and in accommodating the range of current uses and subdivision patterns. The proposal will have no significant costs to the community as transport and utilities infrastructure are in place, and there are no significant environmental constraints.

## **Section B – Relationship to strategic planning framework.**

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

There are no applicable regional or sub-regional strategies applying to the Wagga Wagga LGA.

**5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The Planning Proposal is consistent with the Wagga Wagga Community Strategic Plan 2011-2021 and is relevant to:

*5.6 Provide employment opportunities for all*

The proposed B5 zone at Dobney Avenue and Pearson Street is located in proximity to the Wagga Wagga city centre and will provide additional jobs close to residences in Wagga Wagga.

All elements of the Planning Proposal are consistent with the Wagga Wagga Spatial Plan 2008.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

The proposal is consistent with relevant state environmental planning policies.

State Environmental Planning Policy No. 55 – Remediation of Land

The SEPP requires the planning authority to consider whether land is contaminated, and if so whether it is, or can be made, suitable for the proposed use. If land is found to be potentially contaminated or previously contaminated a preliminary contamination assessment can be prepared for the site.

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

The Planning Proposal is consistent with Section 117 Directions. Details of applicable Directions are appended. The following Ministerial Directions are of particular relevance:

Direction 1.1 – Business and Industrial zones

This Direction is relevant to Item 1. The Direction encourages employment growth in suitable locations; protects employment land in business and industrial zones and supports the viability of identified strategic centres. The Direction requires planning proposals to retain the areas and locations of existing business zones and not to reduce the total potential floor space for employment uses and relation public services. Item 1 is consistent with the Direction.

Direction 3.4 – Integrating Land Use and Transport

Item 1 is consistent with this Direction. The B5 rezoning in Dobney Avenue and Pearson Street is in line with the accessible development principles in *Improving Transport Choice – Guidelines for planning and development* (DUAP, 2001) it will concentrate, mixes uses and

align centres within corridors. It will also link public transport with land use strategies; connect streets; manage parking supply; improve road management; and implement good urban design.

The Planning Proposal is consistent with the above principles relation to the location of business development as follows:

- It proposes the permissibility of bulky goods in a precinct in proximity to the Wagga Wagga city centre where the existing centre is able to accommodate the proposal;
- The location of the site aligns with transport corridors and links with public transport – it has access to the Sturt Highway which provides access to the Olympic Highway; and it is 2.5km from the Wagga Wagga City Centre.

The B5 rezoning is also consistent with the planning objectives of *The Right Place for Business and Services* (DUAP, 2001) as it provides the opportunity for the location of bulky goods retail outlets in close proximity to the Wagga Wagga city centre while not generating significantly more traffic than it currently generates.

#### Direction 4.3 – Flood Prone Land

Both items are consistent with this Direction.

#### Direction 6.3 – Site Specific Provisions

Both items are consistent with this Direction. This Planning Proposal is to allow a particular development to be carried out. It allows the particular use without any additional standards to those in the Local Environmental Plan (LEP), and the proposed LEP amendment does not refer to drawings of the proposal.

### **Section C – Environmental, social and economic impact.**

#### **8. 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. The proposed boundary adjustments are consistent with the biocertification covering all of the affected land.

The changes will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats. The other items do not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

There are no other known environmental effects that could arise from the Planning Proposal.

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

There is a demonstrated need for additional bulky goods floor space in the Wagga Wagga LGA and cater for and accommodate the range of uses permitted under the IN2 zone. The location has capacity to develop on the basis of the proposed zoning.

The Planning Proposal will provide significant economic benefits in meeting the growing demand for bulky goods retailing and facilitating business investment activity and employment in the locality.

**Section D – State and Commonwealth interests.**

**11. Is there adequate public infrastructure for the planning proposal?**

Yes. The Planning Proposal does not alter the public infrastructure requirements for the Dobney Avenue Area. The site currently has a full range of infrastructure conducive to bulky goods premises, which includes sealed road access, sewer, water, electricity and telecommunication services.

There are no significant public infrastructure costs associated with the Planning Proposal.

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

No State or Commonwealth public authorities have been consulted in the process of preparing this Planning Proposal.

**PART 4 – COMMUNITY CONSULTATION**

Any further requirements for community consultation will remain at the discretion of the Department of Planning and Infrastructure as allowed for at the time of gateway determination.