

**RP-9 PLANNING PROPOSAL TO EFFECT CHANGE OF ZONE FROM IN2
LIGHT INDUSTRIAL TO B5 BUSINESS DEVELOPMENT IN DOBNEY
AVENUE AND PEARSON STREET, WAGGA WAGGA**

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Recommendation

That Council:

- a receive and note the report**
- b forward the planning proposal for the change of zone over the subject land to the Department of Infrastructure and Planning under section 56(1), requesting that the Minister issue a “gateway determination” that will allow the planning proposal to proceed**

Report

Background

The land on both sides of Dobney Avenue and Pearson Street and extending along the southern side of Chaston Street, was zoned IN2 Light Industrial at the time the Wagga Wagga Local Environmental Plan 2010 (WWLEP 2010) was made by the Minister for Planning in July 2010. The zone carries over the zoning of the land under the Wagga Wagga LEP 2005 and reflects the long-standing use of the land.

At the time of the exhibition of the draft WWLEP 2010, Council received representations from land owners in the area that the uses permitted with consent under the IN2 zone provisions did not include many of those currently existing and therefore would prevent any land owner from relocating its business to, and operating from, another site within the zone. The point of the representations was that the retailing of goods produced on the site was integral to the type of businesses established in the location, but was now specifically prohibited under the provisions of the new LEP.

Following those representations, and to accommodate the uses identified by the industry representatives as being current but not reflected in the zone provisions, Council received the Department of Planning's approval to add four uses to those permitted with consent in the zone. While this action did not alter the fact that retailing of goods produced on a site would still not be permitted, it had the effect of validating the wide range of differing uses across the locality.

Since that time, Council has continued to receive further representations from industry representatives on the issue. In response, Council discussed with them, the possibility of extending the lands identified in “Schedule 1 - Additional Permitted Uses” of the LEP as being specifically for “Bulky Goods Premises” use and received tacit support for the idea, as a positive, if perhaps interim, step.

However, Council's proposal to proceed to a Planning Proposal along those lines, 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 the zone. This position is consistent with an independent request from a business owner in Dobney Avenue for the rezoning of the whole of the industrial precinct of Dobney Avenue to the B5 zone. This request was followed by one from a business owner in Chaston Street, who raised the issue of considering Chaston Street in the same context.

Considerations

There are a number of issues relating to this proposal which are reflected in the extent of the area being recommended for rezoning in the attached formal Planning Proposal. They are:

- The objectives of the B5 Business Development are not the same as those of the traditional zoning of the land and the new zone therefore has the effect of reducing the supply of land available for light industry in Wagga. Further, because Council is now in the process of reviewing its Spatial Plan (2008) and it may be that wholesale reduction of the IN2 zone in this location may not be supported by the findings of the review, it is advisable meanwhile, to limit the extent of any zoning change.
- The confusion within the Industry over what constitutes "Bulky Goods Premises" is not diffused by the Objectives of the B5 zone as stated in the Standard Instrument, wherein "Bulky Goods Premises" are referred to as being those which simply require "a large floor area". This loose reference is not totally consistent with the definition of "Bulky Goods Premises" contained in the Standard Instrument (LEP) Dictionary definition, which also describes bulky goods as "being of such size or weight as to require direct vehicular access for the purposes of loading or unloading of such goods". That is, the necessity for a large footprint is not the only, or even principal consideration in relation to bulky goods premises and without the additional detail being included in the Objectives of the B5 zone, the confusion – and therefore the need for careful monitoring of applications for development in the proposed zone – is likely to persist.
- The "Objectives" of the B5 zone include the requirement that the zone should be "in locations that are close to and support the viability of, centres". Dobney Avenue and Pearson Street are not close to the city centre and Council has recently and independent of this particular rezoning issue, had representations from a business owner in Baylis Street on the need to protect the primacy of the city centre. The Department of Infrastructure and Planning has recognized the off-centre location of the subject location and has advised Council that in rezoning the land to B5, Council has permission to include the uses permitted with consent already negotiated and agreed between Council and the Department, but more important, to prohibit all retail other than "Bulky Goods Premises".

- In relation to the above issue, Council has reviewed the range of uses both “permitted with consent” and “prohibited” to ensure that the gains achieved in relation to the uses now permitted in the IN2 zone, are not lost. The recommended range of uses is identified in attachment four to this Report.
- While Dobney Avenue and Pearson Street have developed in similar fashion over recent years, adjacent Chaston Street does not accommodate a similar intensity of use, nor a similar level of demand.

Planning Proposal

The elements of the attached Planning Proposal (Attachment 1) are described below.

- The extent of land proposed for rezoning represents what is considered to be the largest area that should be included at this stage. (Its extent will be reviewed as a component of the current Spatial Plan review). Its extent recognizes the following:
 - The fact that both Dobney Avenue and adjacent Pearson Street share characteristics that provide similar potentials for change to occur, while Chaston Street does not exhibit the same characteristics.
 - Land which already has high level exposure to either Dobney Avenue, Pearson Street or the Edward Street West, but which is serviceable from Dobney Avenue or Pearson Street. On this basis, the extent of the proposed rezoning includes: the large single lot fronting Edward Street West, immediately west of Pearson Street; land on the eastern side of Pearson Street, south of Chaston Street, where approval has already been issued for a consistent form of development and; land along the western side of Pearson Street, all of which has frontage to Pearson Street.
 - The fact that extending the proposed zone into Chaston Street, is not warranted nor advisable at this stage, given that Chaston Street does not accommodate the same business traffic volumes as Dobney Avenue or Pearson Street.
- The extent of the proposed rezoning is indicated by heavy line on Attachment 3.
- At present, Dobney Avenue and Pearson Street have no minimum lot size and there will not be a change in the minimum lot size as a result of this Planning Proposal. Therefore, no change to the minimum lot size maps is required.

Next Steps

Following endorsement by Council, the Planning Proposal will be forwarded to the Department of Infrastructure and Planning seeking a Gateway determination to proceed with the amendment. The Gateway decision will set out requirements for any additional investigations, consultations and the timing of any required changes to the WWLEP 2010.

Budget

N/A

Policy

Wagga Wagga Local Environmental Plan 2010
Wagga Wagga Development Control Plan 2010

Impact on Public Utilities

N/A

Link to Strategic Plan

5. A prosperous, diverse and growing economy

5.1 Stimulate prosperity through economic development strategies

QBL Analysis

	Positive	Negative
Social	The proposal will provide additional jobs and growth opportunities.	N/A
Environmental	N/A	N/A
Economic	The proposal will provide a much greater concentration of Bulky Goods premises within one location, providing greater development certainty there and increased economic profile for that location.	There is the risk that if not carefully managed in accordance with the standard definition of the bulky goods retail use, non-bulky goods retail may fall through the net.
Governance	N/A	N/A

Risk Management Issues for Council

No specific issues identified.

Internal / External Consultation

Stakeholder consultation is intended to be undertaken for a minimum period of 28 days after receipt of the gateway determination.

Attachments

1. Planning Proposal.
2. Attachment A - Extent of Existing IN2 Light Industrial Zone, Dobney Avenue and Pearson Street, Wagga Wagga.
3. Attachment B - Proposed Extent of B5 Business Development land WWLEP 2010 Land Zoning Map.
4. Planning Proposal - Section 117 directions.
5. Proposed Land Use Table Alterations, WWLEP 2010.
6. Proposed Land Zoning Map - LZN_003C.
7. Proposed Land Zoning Map - LZN_004D.