

PLANNING PROPOSAL

Wagga Wagga LEP 2010 Deferred Areas

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this Planning Proposal is to amend the Wagga Wagga LEP 2010 (WWLEP 2010) by undeferring land and including the previously deferred areas within the WWLEP 2010. The two Deferred Areas are:

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|-------------------|---|
| Deferred Area 1 - | Land at Cartwrights Hill |
| Deferred Area 2 - | Land in the vicinity of Estella Homestead, Old Narrandera Road, Estella |

PART 2 – EXPLANATION OF THE PROVISIONS

Undeferring the previously Deferred Areas by amendment of the WWLEP 2010 as set out below:

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|------------------|---|
| Deferred Area 1: | Amend the WWLEP 2010 zoning and lot size maps as shown in Attachment A. |
| Deferred Area 2: | Amend the WWLEP 2010 zoning and lot size maps as shown in Attachment B. |

Attachment A seeks to:

- a. approve a change to the exhibited Wagga Wagga Local Environmental Plan 2008 to change the zoning of land from Part RU6 Transition Zone to R5 Large Lot Residential Zone, and from Part IN2 Light Industrial Zone to IN1 General Industrial Zone, and from Part IN1 General Industrial Zone to RU6 Transition Zone, and from Part IN2 Light Industrial Zone to RU6 Transition Zone to lots legally described by Lot and Deposited Plan description, as per the attached Schedule of Properties (Deposited Plans).
- b. approve a minimum one hectare lot size to the R5 Large Lot Residential Zone and a minimum 200 hectare lot size to the RU6 Transition Zone and RU1 Primary Production Zone, and to depict this on the Lot Size Map.
- c. reaffirm (as exhibited) the zoning of land beyond the area designated as R5 Large Lot Residential Zone, as made under the Wagga Wagga Local Environmental Plan 2010.
- d. reaffirm as exhibited the intention to retain the SP2 Infrastructure Zone to the lot legally described as part Lot 1 DP 823287.

Attachment B seeks to:

- a. approve the retention of the R5 Large Lot Residential Zone to land legally described as part Lot 730, DP 1138147, Old Narrandera Road, Estella.

- b. approve a minimum lot size of 1000m² to the R5 Large Lot Residential Zone, and to depict this on the Lot Size Map.

PART 3 - JUSTIFICATION

Section A – Need for the planning proposal

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

The Deferred Areas have been subject to extensive study and review. This has included confirmation of the validity of an earlier Odour Study and other technical reports for the Deferred Area 1 (Cartwrights Hill area) and site investigations and studies in relation to Deferred Area 2 (Estella Homestead land). The background considerations are summarized in Attachment C.

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

A Planning Proposal is required to undefer the lands and include the subject areas within the WWLEP 2010.

3. Is there a net community benefit?

Yes. The undeferring of the subject lands and including them within the WWLEP 2010 will complete the strategic planning task established by the WWLEP 2010 and facilitate equitable zoning and land use outcomes for the subject lands. It identifies a planning solution considered equitable by the various interest groups.

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?

Both elements of the Planning Proposal are consistent with the Wagga Wagga Community Strategic Plan and Spatial Plan 2008 and the subsequent negotiations that occurred in relation to the affected areas. The Planning Proposal is consistent with strategy 6.4 in Wagga's Community Strategic Plan which aims to develop sustainable built and natural environments for current and future generations through effective land-use management and planning in order to increase environmentally sustainable buildings, reduce land degradation and promote a sustainable community.

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

The proposal is consistent with relevant state environmental planning policies.

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

An assessment of the Planning Proposal in relation to applicable Section 117 Directions is contained in the public exhibition material (Appendix D).

Deferred Area 1 (Cartwrights Hill) is inconsistent with Direction 1.2 – Rural Zones. The minor inconsistency is considered to be justified as the proposal does not constitute a significant departure from the pre-Wagga Wagga LEP 2010 status quo in terms of rural zones. The loss of a relatively small amount of agricultural land is outweighed by the benefits that economic growth will bring to the Council and the region.

Deferred Area 2 (Estella Homestead land) is also inconsistent with Direction 1.2 – Rural Zones. The inconsistency is considered to be justified as the zone change is part of a recommendation of the Wagga Wagga Spatial Plan.

Deferred Area 1 is inconsistent with Direction 3.1 – Residential zones as it seeks to zone land that was previously zoned 2 Residential under the former Wagga Wagga LEP 1985 to R5 Large Lot Residential subject to a 1 hectare minimum lot size. The change reduces the permissible residential density on the affected lands. The inconsistency is considered justified as the proposed reduced yield represents a more equitable outcome than completely removing any development rights for the affected lands. It also achieves an acceptable balance between the development rights and expectations of the residential land owners and management of potential land use conflicts with the adjoining Bomen industrial area into the future.

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 zone and minimum lot size provisions for the affected lands will 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 they are 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?

For Deferred Area 1 (Cartwrights Hills) the proposed zone and lot size provisions represent a reasonable balance between the competing interests of the Cartwrights Hill land owners and the ongoing and longer term development and use of industrial land at Bomen.

For Deferred Area 2 (Estella Homestead land) detailed development controls are intended to manage building location, height and bulk to maintain view corridors to and protect the heritage curtilage of the historic house and ensure compatible development outcomes.

Section D – State and Commonwealth interests

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

Yes. The infrastructure requirements for the Deferred Areas have been confirmed and are adequate.

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

Consultation has been carried out with State or Commonwealth public authorities. Comments have been received from and discussed at length with the Department of Environment Climate Change and Water and Riverina Water.

PART 4 – COMMUNITY CONSULTATION

There were two periods of exhibition; the first period consisted of the “concept proposals” for Deferred areas 1 and 2 which were publicly exhibited for forty two (42) days from 5 July 2010 until 15 August 2010. The second period included the proposed zone and lot size provisions for the Deferred Areas were exhibited for a period of twenty eight (28) days from 8 September 2010 to 5 October 2010. 10 submissions were received in total, all in response to Deferred Area 1 (Cartwrights Hill). The comments and issues raised have been considered and have informed the proposed zone and lot size provisions.

Because there has been extensive consultation with the public and government, it is considered that the planning proposal can proceed through the “gateway” without the need for further consultation or exhibition.