

Amend Wagga Wagga LEP 2010 - Deferred Matters (Cartwrights Hill and Estella)

Proposal Title : **Amend Wagga Wagga LEP 2010 - Deferred Matters (Cartwrights Hill and Estella)**

Proposal Summary : **Council (Wagga Wagga Interim Joint Planning Panel) has submitted a Planning Proposal (PP) to rezone two sites that were deferred from the Wagga Wagga LEP 2010.**

SITE 1 - CARTWRIGHTS HILL

Located north of Wagga Wagga and west of the Bomen industrial area. The land is bounded by the Olympic Highway to the north west.

The PP seeks to rezone the land to R5 Large Lot Residential Zone with a 1ha minimum lot size (MLS), RU6 Transition Zone with a 200 ha MLS, SP2 Infrastructure Zone and IN1 General Industrial Zone with no MLS.

The land is currently zoned 1 Rural, 2 Residential, 3 Business, 5 Special Uses (Community Building) and 6 Open Space.

About 70 ha (source WWCC) of land currently zoned Residential 2 is proposed to be rezoned to R5 Large Lot Residential under the PP. The majority of the Residential 2 land is undeveloped.

The main planning issue with this deferred matter is the proximity of the existing residential land to the Bomen industrial area and the existing Cargill Abattoir to the east.

The current 2 Residential Zone (no MLS) under Wagga Wagga LEP 1985 was proposed to be zoned RU6 Transition Zone (200 ha MLS) under the exhibited draft Wagga Wagga LEP 2008 based on an odour study and submission from the then Department of Environment and Climate Change (DECC). Both the study and DECC raised concerns that future urban development would result in an increase in complaints about industrial odour impacts if residential zoned land was permitted to develop to its full potential.

The proposed RU6 Transition Zone and 200 ha minimum lot size under draft Wagga Wagga LEP 2008 would have prevented any further residential subdivision in the current 2 Residential Zone. The Wagga Wagga City Council Planning Panel deferred the matter in February 2010 to enable Council to undertake further investigations into the proposed zones in response to objections to the RU6 Transition zone by landholders.

The R5 Large Lot Residential Zone replaces the majority of the proposed RU6 Transition zone. The intent of the R5 Large Lot Residential Zone (1 ha MLS) is to reduce land use conflict by reducing the future housing potential in the current 2 Residential Zone from approximately 750 lots to 100 lots (WWCC). A smaller area of RU6 Transition Zone has been retained to act as a buffer between the R5 Large Lot Residential Zone/RU1 General Rural Zone and the Bomen industrial area.

SITE 2 - ESTELLA

Approximately 6-7 ha of land north west of Wagga Wagga in the suburb of Estella currently zoned 1 Rural Zone under Wagga Wagga LEP 1985. This area was deferred from the Wagga Wagga LEP 2010 because of its proximity to a local heritage item, Estella homestead, and concerns with possible adverse impacts of the encroachment of residential development on the heritage item, e.g. visual impacts. The land was proposed to be zoned R1 General Residential Zone and R5 Large Lot Residential Zone (no MLS) under the exhibited draft Wagga Wagga LEP 2008.

The PP seeks to rezone this land to R5 Large Lot Residential Zone (1,000m2 MLS). The zone and lot size are intended to protect and maintain view corridors to Estella Homestead.

PP Number : **PP_2011_WAGGA_001_00**

Dop File No :

10/03634-1

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
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.2 Reserving Land for Public Purposes

Additional Information :

Recommendation:

It is recommended that Planning Proposal proceed subject to the following conditions:

1. The Planning Proposal is revised to zone Lots 3 and 4 DP 730383 as IN2 Light Industrial Zone (no MLS).
2. The Planning Proposal is to be exhibited for a period of 14 days.
3. The Planning Proposal should be completed within 9 months.
4. The Director General (or an officer of the Department nominated by the Director General) agree that the inconsistencies of the revised Planning Proposal with s117 Directions 1.2, 1.5 and 3.1 are of minor significance.
5. That the land holders, relevant state agencies and previous submitters (to the exhibition of the draft plan in September/October 2010) be notified by the RPA of the exhibition prior to the start of the exhibition period.
6. That the previous submitters are notified by the RPA that their previous submission on the exhibition of the draft plan in September/October 2010 will be taken into consideration as part of the assessment of the exhibited amended PP.
7. That the owners of Lots 3 and 4 DP 730383 be notified by the RPA of the change to the PP prior to the start of the exhibition period.
8. That the odour study prepared by Holmes Air Services dated 31 January 2008 and the review of this study by PAEHOLMES dated 13 October 2009 are placed on public exhibition with the PP.
9. It is noted that the PP seeks to rezone a number of areas to SP2 Infrastructure. Descriptions are required on the maps for these areas that are contained in the SEPP (Infrastructure) or the Dictionary of the Standard Instrument. This is required before the PP is submitted for finalisation.
10. The land description for the Estella property is incorrectly identified as part Lot 730 DP 1138147 and should be part Lot 799 DP 1150062.

Supporting Reasons :

1. The rezoning of rural zoned land to R5 Large Lot Residential Zone and 1 ha MLS proposed on Lots 3 and 4 DP 730383 has not been adequately justified in the PP given their close proximity to the Bomen industrial area. The IN2 Light Industrial Zone will remove the opportunity for further residential subdivision within close proximity to the Bomen industrial area, reducing potential land use conflict, but provide opportunities for low impact industrial uses on these lots that are located between Bomen industrial area and residential development to the west (Cartwrights Hill).
2. A condition requires preparation of a revised planning proposal and therefore further public consultation is required on the new planning proposal.
3. The public exhibition of the Planning Proposal should include any relevant technical studies commissioned by the RPA that were used in the preparation of the PP.

Panel Recommendation

Recommendation Date : **07-Jul-2011**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

1. The planning proposal is to be amended to rezone Lots 3 and 4 DP 730383 as IN2 Light Industrial with no minimum lot size identified.

2. Council is to prepare a 'Strategic Land Use Planning Principles Map' which clearly identifies and explains in a simple and plain English manner the strategic principles which have been applied in arriving at the preferred planning proposal outcomes.
3. Council is to submit the 'Strategic Land Use Planning Principles Map' to the Regional Director, Southern Region for endorsement prior to the commencement of community consultation. Once endorsed the map must be included in the exhibition material for the planning proposal.
4. Council is to place on public exhibition the odour study prepared by Holmes Air Services (dated 31 January 2008) and the review of this study by PAEHOLMES (dated 13 October 2009).
5. Council is to ensure that the material to be placed on public exhibition is prepared and presented in a clear and easy to interpret format and that it clearly demonstrates the intent of the planning proposal. Council is to submit the proposed exhibition material to the Regional Director, Southern Region for endorsement prior to the commencement of community consultation.
6. Council should submit all exhibition material to the Regional Director, Southern Region, within four (4) weeks of the week following the date of this determination for consideration and endorsement for exhibition purposes.
7. Council is to clearly identify through the inclusion of a description on the map the intent of each of the proposed SP2 Infrastructure zoned areas utilising terms that are consistent with the Standard Instrument Order Dictionary and the SEPP (Infrastructure).
8. 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) following endorsement of all exhibition material from the Regional Director, Southern Region, the planning proposal and 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).
9. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage (on both heritage and environmental management related matters for both sites); and
 - NSW Roads and Traffic Authority (RTA)

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 they 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.
10. 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).
11. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:			
Printed Name:		Date:	