

PLANNING PROPOSAL

Amendment to “Permitted with Consent” and “Prohibited” uses in the Wagga Wagga Local Environmental Plan 2010

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: To remove “Caravan parks” as a “Prohibited” use in the RU1 Primary Production zone; and relocate to under the “Permitted with consent” schedule in the RU1 Primary Production zone.
- Item 2: To remove “Veterinary hospitals” as a “Prohibited” use in the IN2 Light Industrial zone; and relocate to under the “Permitted with consent” schedule in the IN2 Light Industrial zone.

PART 2 – EXPLANATION OF THE PROVISIONS

Amend the WWLEP 2010 as set out below:

- Item 1: Remove “Caravan parks” from “Prohibited” in the RU1 Primary Production zone. Then relocate “Caravan parks” in the RU1 Primary Production zone as a “Permitted with consent” use.
- Item 2: Remove “Veterinary hospitals” from “Prohibited” in the IN2 Light Industrial zone. Then relocate “Veterinary hospitals” in the IN2 Light Industrial zone as a “Permitted with consent” use.

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.

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

CARAVAN PARKS

Yes. As stated above, under the Wagga Wagga LEP 2010, “Caravan parks” are permitted with consent only in the following zones:

- RE1 – Public Recreation; and
- RE2 – Private Recreation.

These zones and their objectives are clearly not compatible with caravan park use, and are at odds with *State Environmental Planning Policy No. 21 – Caravan Parks*. One of the aims

of the SEPP is to encourage the orderly and economic use and development of land used or intended to be used as a caravan park, catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both. RU1 Primary Production zoned land appears consistent with this objective as this land can be subdivided for lease purposes under section 289K of the *Local Government Act 1919*.

VETERINARY HOSPITALS

While “Veterinary hospitals” are not specifically listed as permitted with consent in the nominated zones, they are technically not prohibited in:

- RU1 – Primary Production;
- RU2 – Rural Landscape;
- RU4 – Primary Production Small Lots;
- RU5 – Village;
- RU6 – Transition;
- B1 – Neighbourhood Centre;
- B2 – Local Centre;
- B3 – Commercial Core;
- B4 – Mixed Use;
- IN1 – General Industrial

Whilst some of these zones and their objectives appear acceptable for this use, in this instance they are not compatible with veterinary hospital use. The IN2 Light Industrial zone is a ‘best fit’ for veterinary hospitals as industries which support veterinary hospitals such as “Rural supplies” are “Permitted with consent”. “Rural supplies” by definition means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, *veterinary supplies* and other goods or materials used in farming and primary industry production.

Further, while it is accepted that the newer, more “boutique” form of Veterinary Hospital, is less noisy and emits fewer odours than traditionally, the use is not inconsistent with the scale and form of uses accommodated in the zone. It then appears illogical to prohibit the parent use, yet permit with consent its supporting use. In contrast, whilst not specifically mentioned, “Veterinary hospitals” technically can be “Permitted with consent” in the IN1 zone. Therefore to ensure consistency is achieved across the industrial zones, “Veterinary hospitals” should logically be removed from “Prohibited” use and placed in the “Permitted with consent” use in the IN2 zone.

3. Is there a net community benefit?

CARAVAN PARKS

Yes. Allowing “Caravan parks” in the RU1 zone will provide a net community benefit in meeting the aims and objectives of the *State Environmental Planning Policy No. 21 – Caravan Parks* to provide caravan parks in suitable locations in the Wagga Wagga region for both short and long-term residents.

VETERINARY HOSPITALS

Allowing “Veterinary hospitals” in the IN2 zone would promote and encourage employment growth in existing locations which currently permits supporting industries.

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 affecting the land.

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

Both components of the Planning Proposal are consistent with the Wagga Wagga Community Strategic Plan 2011-2021.

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 Planning Proposal is consistent with all relevant state environmental planning policies.

CARAVAN PARKS

State Environmental Planning Policy No. 21 – Caravan Parks

The SEPP requires the planning authority to encourage:

- the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and
- the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and
- the provision of community facilities for land so used, and
- the protection of the environment of, and in the vicinity of, land so used.

As a result, the strategies which can achieve those aims are:

- by requiring that development consent be obtained from the local Council for development for the purposes of caravan parks, and
- by providing that development consent may be granted that will authorise the use of sites for short-term stays (whether or not by tourists) or for long-term residential purposes, or for both, and
- by requiring that development consent be obtained from the local Council for the subdivision of land for lease purposes under section 289K of the Local Government Act 1919.

State Environmental Planning Policy (Rural Lands) 2008

The aims of this State Environmental Planning Policy seek to:

- to facilitate the orderly and economic use and development of rural lands for rural and related purposes,

- to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- to implement measures designed to reduce land use conflicts,
- to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

The Planning Proposal is consistent with both the aims provided by SEPP No. 21 – Caravan Parks and SEPP (Rural Lands) 2008.

VETERINARY HOSPITALS

The ‘veterinary hospital’ component of this Planning Proposal is consistent with all the relevant State Environmental Planning Policies.

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

Item 2 is inconsistent with this direction. The inclusion of “Veterinary hospitals” in the IN2 zone will affect land within existing industrial zones in the Wagga Wagga LGA. However, it is of minor significance as inclusion of “Veterinary hospitals” in the IN2 zone will not reduce the total potential floor space area for industrial uses in industrial zones. Therefore, consistency with this direction is achieved.

Direction 1.2 – Rural Zones

Item 1 is inconsistent with this direction. This Planning Proposal does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. However, whilst Caravan parks may appear to increase the permissible density of land within the RU1 zone however they are mobile non-permanent dwellings and will therefore not increase the actual density of development on that land. It is therefore consistent with this direction.

Direction 1.5 – Rural Lands

Item 1 is inconsistent with this direction. This Planning Proposal will affect land within the RU1 zone although it will not affect any zoning boundaries. The Planning Proposal is considered of minor significance since no zoning changes are required. Furthermore, allowing “Caravan parks” in the RU1 zone is consistent with the Rural Planning Principles contained in the *State Environmental Planning Policy (Rural Lands) 2008* as follows:

- (a) *the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) *recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

As a result, the Planning Proposal is made consistent with this direction.

Direction 2.1 – Environment Protection Zones

Both items are consistent with this Direction.

Direction 2.3 – Heritage Conservation

Both items are consistent with this Direction.

Direction 3.2 – Caravan Parks and Manufactured Home Estates

Item 1 is consistent with this Direction. This Planning Proposal seeks to retain the current zonings which permit Caravan Parks. It also seeks to reinforce them by allowing Caravan Parks to become permissible in the RU1 Primary Production zone, subject to development consent. This additional zone for Caravan Parks would allow Council to secure additional appropriate land for Caravan Park use.

Direction 4.3 – Flood Prone Land

Both items are consistent with this direction.

Direction 4.4 – Planning for Bushfire Protection

Both items are consistent with this direction.

Direction 6.3 – Site Specific Provisions

Item 2 is consistent with this Direction. The inconsistency in relation to item 1 is of minor significance because this Planning Proposal allows particular additional development (caravan parks) to be carried out within the identified zone. It allows the particular use consistent with the provisions of SEPP No. 21 – Caravan Parks 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. Therefore, consistency with this direction has been achieved.

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. In relation to item 1, if “Caravan parks” are permitted with consent in the RU1 zone then development consent will only be granted if they comply with the provisions of the *State Environmental Planning Policy No. 21 – Caravan Parks*. The changes will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

In relation to item 2, the proposed addition of veterinary hospitals to the permitted with consent in the IN2 zone are consistent with the biocertification covering all of the affected land.

Neither of these changes will 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 in relation to either issue.

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

There is a demonstrated need to increase tourism in the Wagga Wagga LGA and cater for and accommodate a range of industrial uses permitted under the IN2 zone. Permitting “Caravan parks” in a rural setting such as the RU1 zone appears ideal will hopefully increase tourism to the Wagga Wagga LGA whilst lowering the impact on environmentally sensitive land which currently permits “Caravan parks”.

On the other hand, permitting “Veterinary hospitals” in the IN2 zone will not only provide additional employment opportunities, it will also be supported by similar uses which are already permitted with consent.

The Planning Proposal can be expected to provide economic benefits in attracting tourists to the Wagga Wagga LGA; 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 require any alterations to public infrastructure. Therefore, 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.