

**RP-11 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010
AMENDMENTS TO LAND AT COLLINGULLIE; TATTON; 210
TARCUTTA STREET; ESTELLA AND 368-370 EDWARD STREET**

Author: Grant, Ian
Director: Crakanthorp, Andrew

Recommendation

That Council:

- a receive and note the planning proposal for amendments to land at Collingullie; Tatton; 210 Tarcutta Street; Estella and 368-370 Edward Street**
- b forward the planning proposal for the change of zones, minimum lot sizes, height of buildings and floor space ratio maps over the subject land to the Department of Planning and Infrastructure under Section 56(1) of the Environmental Planning and Assessment Act, requesting that the Minister issue a “gateway determination” that will allow the planning proposal to proceed**

Executive Summary

The planning proposal attached to this report (Attachment 1) seeks to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP) in relation to a number of issues. The following changes are proposed:

- Amend land currently zoned RU1 Primary Production at Collingullie to RU5 Village, and amend the Minimum Lot Size map from 200ha to nil, to reflect an existing use on the site
- Amend the E2 Environmental Conservation zone boundary for land at Tatton to permit residential development as provided by a previous subdivision and building envelope
- Amend planning controls for 210 Tarcutta Street, Wagga Wagga. It is proposed that the zoning be amended from SP1 Special Uses to B3 Commercial Core, the floor space ratio be amended from nil to 2:1 and the maximum building height be amended from nil to 16 metres as provided by Council’s previous Development Control Plan 2005 (DCP)
- Rezone land currently zoned RE1 Public Recreation to R1 General Residential at Estella to reflect an existing subdivision
- Rezone land currently zoned IN2 Light Industrial to B5 Business Development at 368-370 Edward Street, Wagga Wagga to permit bulky goods premises and to reflect the existing use on the site

Report

Introduction

This planning proposal was prepared in order to rectify zoning inconsistencies with current planning controls and is considered a housekeeping amendment. The land subject to this planning proposal has been identified as a result of discussions with land owners and consideration of potential or current development applications.

A planning proposal is considered the only method to amend the LEP as required in this case.

Planning Proposal

Site identification and proposed amendments to the maps are provided in attachments to this report.

Item 1: Collingullie

The subject site is currently zoned RU1 Primary Production. On the site is an existing hotel, however as hotels are not permitted under the RU1 zone the existing use is not consistent with the zone objectives. The proposed RU5 Village zone permits a number of uses including tourist and visitor accommodation which includes hotels and motels, as well as food and drink premises, all consistent with the existing use of the subject land.

The planning proposal therefore seeks to amend the LEP Zoning map to rezone land identified in Attachment 2 Map 1a from RU1 Primary Production to RU5 Village. It is also proposed that the lot size map be amended for the site, from 200 hectares to no minimum lot size consistent with the Village zoning, as identified in Attachment 3 Map 1b.

Item 2: Tatton

This item seeks to adjust the Environmental Conservation zone boundary to permit residential dwellings on land subdivided for a residential purpose, identified in Attachment 4 Map 2 on land in Barrington Street and Plumpton Road Tatton. This land is currently zoned part R1 General Residential and part E2 Environmental Conservation. No residential development can occur on the part of the land where the E2 zone exists.

The E2 zoning is based on the area being part of a natural drainage corridor subject to flooding. Although records do not show the exact date the zone was implemented, it has been in existence since the gazettal of the Wagga Wagga LEP 1985. The subject land has already been subdivided within the vicinity of the drainage corridor, resulting in several parcels of land being zoned with part General Residential and part Environmental Conservation zones adversely impacting on their development potential.

The Deposited Plan for the area identifies an easement for a transmission line located partly within the E2 zone, running parallel with Plumpton Road. The subject sites are affected by a portion of this easement with building envelopes for properties at 26, 28, and 30 Barrington St identified outside of the easement. The proposed E2 zone adjustment reflects the easement line, and this was chosen as it reflects a minimal loss of the existing E2 zone. The sites subject to the zone adjustment consists of minimal vegetation, and no threatened species have been identified. Existing residential development has also led to the construction of culverts to divert stormwater flow to within the proposed E2 zone area.

The NSW Office of Environment and Heritage have been consulted on the proposed zone boundary adjustment and are supportive of the changes.

For these reasons, it is proposed that the impact of overland flow flooding has been minimised in relation to the identified building envelopes and a boundary adjustment is considered appropriate to no longer restrict residential development allowed for by the subdivision and the Deposited Plan.

Item 3: 210 Tarcutta Street

Land identified in Attachment 5 Map 3a at 210 Tarcutta Street, Wagga Wagga is currently zoned SP1 Public Buildings, and is currently used as a community centre (the Masonic Centre).

The subject site contains uses which can be accommodated within the Standard Template LEP zones. Previously, the site was zoned Special Uses and sub-zoned for an Urban Living Area within Council's (now superseded) Development Control Plan 2005. The SP1 zoning restricts the opportunity for the owner of the site to lease out the ground floor for commercial purposes as occurs on surrounding properties.

To overcome this problem, a development application was made to amend the planning documents to permit ground floor leasing of the premises for commercial purposes, which was approved on 31 March 2008.

Since the conversion of Council's previous planning controls to the Standard LEP Template, (created by the NSW Department of Planning and Infrastructure which has standard zones), the ability of the owner to lease out the premises has been removed as the site has a Special Use zone permitting the building for public building purposes only. The site should have been re-zoned during the transition of the previous LEP to the current LEP (in the Standard LEP template format) to allow the premises to be leased. It is thought to have been an oversight.

The surrounding B3 zone has a floor space ratio of 2:1 and a maximum building height of 16 metres. For consistency purposes this site is also proposed to have a floor space ratio of 2:1 (see Attachment 6 Map 3b) and a maximum building height of 16 metres (see Attachment 7 Map 3c).

There is a small section of road in a laneway behind the community centre that is also zoned SP1, with the rest of the laneway currently B3. For the purposes of consistency, this laneway is also proposed to be zoned B3.

Item 4: Estella

Land identified in Attachment 8 Map 4 at Estella is currently zoned RE1 Public Recreation, and is also subject to an existing subdivision approved for residential development. The cadastre of this subdivision is identified within the WWLEP maps, however there are zoning inconsistencies with one boundary and two lots on the Land Zoning maps.

This planning proposal seeks to amend the WWLEP 2010 Land Zoning map on land identified in Attachment 8 Map 4 from RE1 Public Recreation to R1 General Residential to permit residential development on the affected sites in accordance with the approved subdivision.

Item 5: 368-370 Edward Street

The site identified in Attachment 9 Map 5 at 368-370 Edward Street, Wagga Wagga is currently occupied by Barbecues Galore, which is considered consistent with the definition of bulky goods premises under the provisions of the WWLEP 2010 and the Standard LEP template.

The surrounding precinct was recently rezoned from IN2 Light Industrial to B5 Business Development to permit a mix of uses, and specifically, bulky goods premises.

Initially, it was determined that the land subject to this planning proposal was not considered for the B5 Business Development Zone as the site's address is Edward Street (Sturt Highway). At the time no land with a frontage or aspect to Edward Street was considered appropriate for the B5 Business Development zone; the preference for the proposed zone was to concentrate the permitted uses on only those premises having direct access to Pearson Street and Dobney Avenue. The existing retail and industrial uses along Edward Street were also considered inappropriate for the B5 Business Development zone.

On review it has been determined that the site is appropriate for inclusion in the B5 Business Development zone as the use of the premises specifically reflects this type of zone and site observations have confirmed that the only vehicle access point is from Pearson Street which is consistent with the objectives for the B5 Business Development zone.

This planning proposal seeks to extend the existing B5 Business Development Zone boundary to include land identified in Attachment 9 Map 5 currently zoned IN2 Light Industrial to permit bulky goods premises on the site to reflect its existing use.

Next steps

Following endorsement by Council, the Planning Proposal will be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination to proceed with the amendment. The Gateway Determination will set out requirements for any additional investigations or need for consultation, and provides a timeframe for completion of the amendment.

Budget

N/A

Policy

Wagga Wagga Local Environmental Plan 2010, as amended.
Wagga Wagga Local Environmental Plan 1985.
Wagga Wagga Development Control Plan 2005.

Impact on Public Utilities

N/A

Link to Strategic Plan

6. A sustainable environment

6.4 Develop sustainable built and natural environments for current and future generations through effective land-use management and planning

QBL Analysis

	Positive	Negative
Social	The planning proposal provides for development which is likely to lead to greater housing choice as reflected in items 2 and 4. There is also the potential for business opportunities in the case of items 1, 3 and 5.	N/A
Environmental	In the case of item 2, there will be minimal impacts on the existing environment as a result of the planning proposal. Existing environmental zones are maintained, except where minor amendments are made.	It may be perceived that Council is minimising the importance of environmental lands by adjusting the boundary of the E2 Environmental Conservation zone in accordance with item 2 of the planning proposal. However, there remain significant parcels of E2 zoned land within the LGA.
Economic	In items 2 and 4, the proposed amendments provide for increased housing development which assists the local building and services industry. For items 1, 3 and 5, businesses with increased development may expand, providing the potential for more jobs and better services.	N/A
Governance	All components of the planning proposal are consistent with the requirements of the Environmental Planning and Assessment Act 1979. Consultation will also be required with the community and other stakeholders.	Planning proposals are lengthy in terms of implementation and development assessment will be delayed or refused until the planning proposal is gazetted into the LEP.

Risk Management and Work Health and Safety Issues for Council

No specific issues identified.

Internal / External Consultation

This report has been prepared in consultation with Council's Planning Department and land owners.

Stakeholder and community consultation is intended to be undertaken for a minimum period of 28 days after receipt of the Gateway Determination.

Attachments

1. Planning Proposal
2. Map 1a - Proposed Zoning (Collingullie)
3. Map 1b - Proposed Minimum Lot Size (Collingullie)
4. Map 2 - Proposed Zoning (Tatton)
5. Map 3a - Proposed Zoning (210 Tarcutta St)
6. Map 3b - Proposed Floor Space Ratio (210 Tarcutta St)
7. Map 3c - Proposed Maximum Building Height (210 Tarcutta St)
8. Map 4 - Proposed Zoning (Estella)
9. Map 5 - Proposed Zoning (368-370 Edward St)

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Recommendation:

On the Motion of The Mayor, Councillor R Kendall and Councillor K Pascoe

That Council:

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RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

Against the Motion

Y Braid
G Conkey OAM
P Funnell
G Hiscock
The Mayor, Councillor R Kendall
J McLaren
A Negline
K Pascoe
K Poynter
D Tout

CARRIED

**PS RP-11 WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010
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13/037 RESOLVED:

On the Motion of Councillors K Pascoe and P Funnell

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