

PLANNING PROPOSAL

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this planning proposal is to amend Wagga Wagga Local Environmental Plan 2010 (WWLEP) by the following:

Item 1: Collingullie

Rezone land below from RU1 Primary Production to RU5 Village to reflect existing use on the site and reduce the minimum lot size from 200 hectares to nil.



Item 2: Tatton

Adjust the E2 Environmental Conservation zoning boundary on land identified below to provide for residential development on land currently zoned part R1 General Residential and part E2 Environmental Conservation.



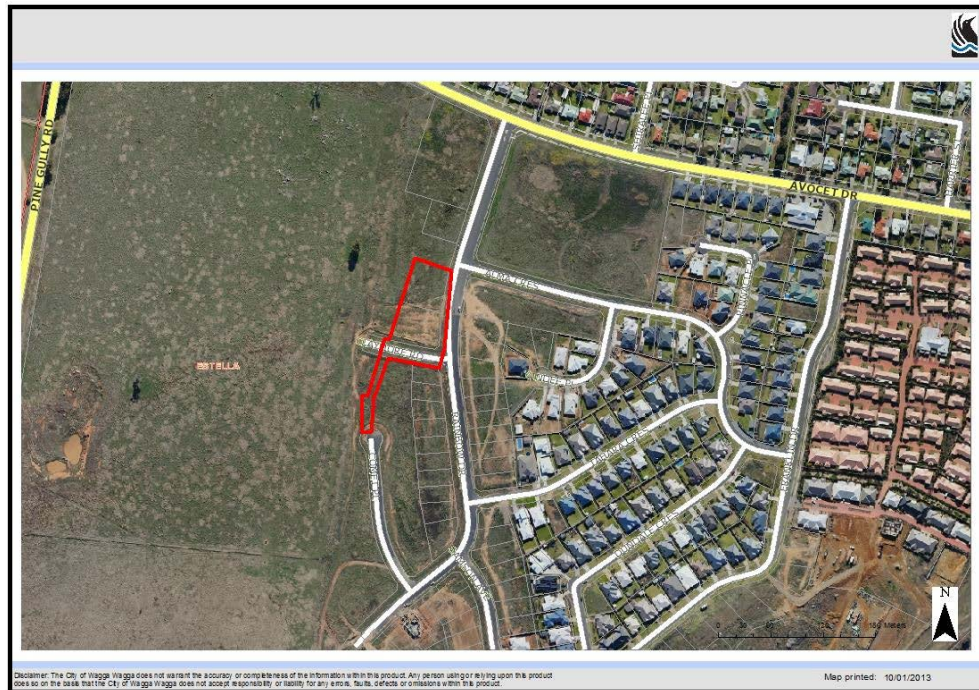
Item 3: 210 Tarcutta St

Rezone land identified below from SP1 Public Buildings to B3 Commercial Core to provide for additional uses and include a floor space ratio of 2:1, and a maximum building height of 16 metres.



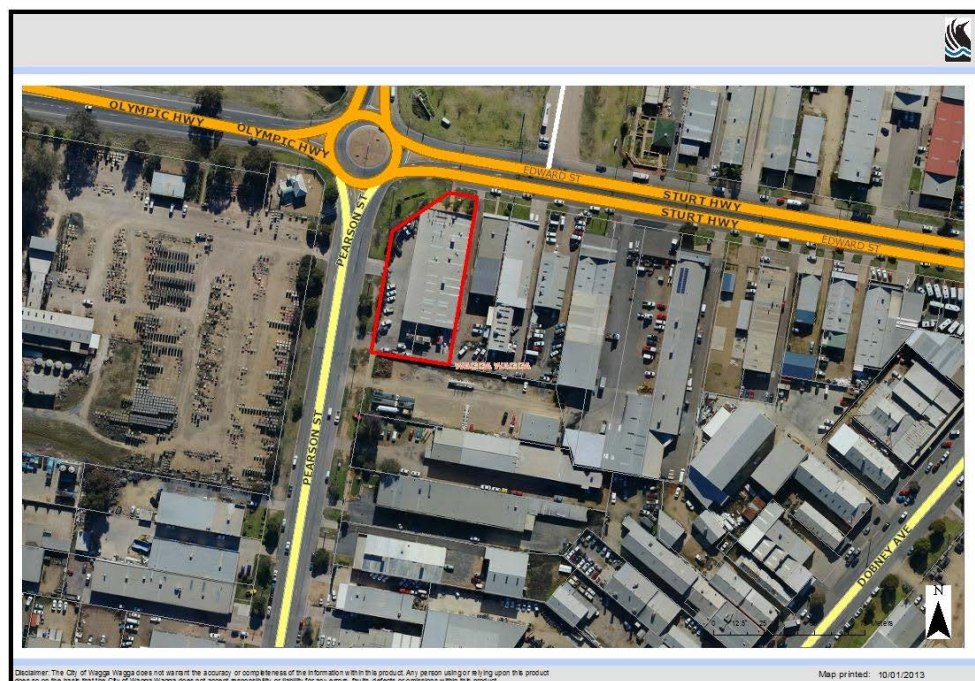
Item 4: Estella

Adjust the zone boundary and rezone land from RE1 to R1 General Residential on land identified below consistent with the approved subdivision for the area.



Item 5: 368-370 Edward St

Rezone land identified below from IN2 Light Industrial to B5 Business Development.



PART 2 – EXPLANATION OF THE PROVISIONS

Item 1: Collingullie

The subject site is currently zoned RU1 Primary Production. On the site is an existing hotel, however hotels are not permitted under the RU1 zone therefore 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 hotel and motel accommodation, as well as food and drink premises which is consistent with the existing use of the subject land.

This planning proposal therefore seeks to amend the WWLEP Land Zoning map to rezone land identified in Attachment 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 provided in Attachment 1b.

Item 2: Tatton

This planning proposal seeks to adjust the Environmental Conservation zone boundary to permit residential dwellings on land subdivided for a residential purpose, identified in Attachment 2 in Barrington Street and Plumpton Road Tatton. This land is currently zoned part R1 General Residential and part E2 Environmental Conservation.

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 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. The proposed E2 zone adjustment reflects the easement line and these building envelopes. The land subject to the zone adjustment consists of minimal vegetation, therefore there are no threatened species. Existing residential development has also led to the construction of culverts to divert stormwater flow to within the E2 zone area.

For these reasons, it is proposed that the impact of flooding has been minimised in relation to the location of all building envelopes the sites affected within their 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 St

Land identified in Attachment 3a at 210 Tarcutta St, Wagga Wagga is currently zoned SP1 Public Buildings, and is currently used as a community centre (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 Development Control Plan 2005. This restricted the ability of the owner of the site to lease out the ground floor for commercial purposes as occurs on surrounding properties, which was sought at the time. A development application was made to amend

the planning documents to permit ground floor leasing of the premises for commercial purposes, which was approved.

Since the conversion of Council's previous planning controls to the Standard Template, the opportunity for 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. It is unclear why the site was not converted during the transition of the previous Wagga Wagga LEP to the current LEP to allow the premises to be leased, either through zoning or Schedule 1 of the LEP for additional permitted uses. It is thought to have been an oversight therefore the rezoning is considered the most effective option.

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 3b) and a maximum building height of 16 metres (see Attachment 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 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, with land zoned for public recreation that has been subdivided for the purposes of residential development.

This planning proposal seeks to amend the WWLEP 2010 Land Zoning map on land identified in Attachment 4 from RE1 Public Recreation to R1 General Residential to permit residential development on the affected sites, as intended.

Item 5: 368-370 Edward St

The site identified in Attachment 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 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 site is appropriate for the B5 Business Development zone as the use of the premises specifically reflects this type of zone and site observations determined 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 5 currently zoned IN2 Light Industrial to permit bulky goods premises on the site to reflect the existing uses.

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 in the report have not been subject to any strategic study or report but have been considered on a case-by-case basis as part of the general review of the WWLEP. Some items have been raised by the owner of the respective sites.

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

Yes. The nature of this planning proposal relates to boundary inconsistencies and zoning irregularities which require an amendment to the WWLEP. A planning proposal is the only way to meet the objectives and intended outcomes.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no regional or sub-regional strategy applicable to Wagga Wagga.

4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?

The Wagga Wagga Community Plan 2011-21 includes a key principle to 'Develop sustainable built and natural environments for current and future generations through effective land-use management and planning'. The planning proposal is consistent with the above by amending the LEP, the key land-use document for the LGA.

Spatial Plan

The Spatial Plan 2008 includes the following principles and guidelines:

- Section 2.3 "Use the Standard Instrument to provide the best outcomes for rural land uses";
- Section 2.4 "Use the Standard Instrument to provide the best outcomes for residential land uses";
- Section 2.4 "Housing and infrastructure planning which addresses localised environmental constraint and opportunities, and is buffered from incompatible land use and adverse impacts"; and
- Section 2.5 "Concentrated development in select locations is preferred for convenience, presentation and traffic management reasons..."

The items of the planning proposal are consistent with these relevant principles and guidelines of the Spatial Plan.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Item 1: Collingullie

SEPP (Rural Lands) 2008

The SEPP includes a number of rural planning principles which are to be met as directed by the Minister under section 117 of the Environmental Planning and Assessment Act and the direction '1.5 Rural Lands'. The principles and an assessment of how the proposal meets these principles are provided in the table below.

The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas	Consistent. Although the proposal is seeking to rezone RU1 zoned land to RU5, this is based on the existing use of the site being a pub. The site is not considered suitable for agricultural purposes or activities.
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	Consistent. Although the proposal is seeking to rezone RU1 zoned land to RU5, this is based on the existing use of the site being a pub. The site is not considered suitable for agricultural purposes or activities.
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	Consistent. The proposal is seeking to rezone the land only to ensure that the zone conforms with the existing use and does not jeopardise the development potential for other rural agricultural land.
In planning for rural lands, to balance the social, economic and environmental interests of the community	Consistent. The proposal seeks to rezone land to ensure the existing use is reflected by the correct zone. This provides for greater development potential.
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	Consistent. The proposal does not impact on development requirements for the land which may be required at development assessment stage.
The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities	Consistent. The proposal is not seeking to provide for increased residential development.
The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing	Consistent. The proposal is not seeking to provide rural housing.
Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General	N/A. There is no regional or local strategy applicable to the Wagga Wagga LGA.

There are no other SEPPs which apply to the other items in this planning proposal.

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

	Item 1: Collingullie	Item 2: Barrington St and Plumpton Rd, Tatton	Item 3: 210 Tarcutta St	Item 4: Estella	Item 5: 368-370 Edward St
1.1 Business and Industrial zones	n/a	n/a	Consistent. The planning proposal is consistent with objectives of the direction by expanding the existing B3 Commercial Core zone, which will increase employment opportunities adjacent to the existing commercial zone. There is no loss of existing business or commercial zones.	n/a	Consistent. The proposal is seeking to rezone land within an industrial zone to a business zone. This is consistent with the objective to “encourage employment growth in suitable locations”.

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1.2 Rural zones	Inconsistent. This direction states that a planning proposal must not rezone land from a rural zone to a village zone or increase the density of the rural zoned land. The proposal is seeking to rezone land currently zoned RU1 Primary Production to RU5 Village, however the inconsistency is of minor significance as the planning proposal seeks to correct an anomaly with the subject site as the site contains a pub. The rezoning is to ensure the current zone is compatible with the existing use.	n/a			

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1.5 Rural lands	Consistent. Refer to Part 6 for an assessment of this item against SEPP (Rural Lands) 2008	n/a	n/a	n/a	n/a
2.1 Environment Protection Zones	n/a	Inconsistent. The planning proposal is seeking to remove a portion of the environmental protection zone however this is to ensure consistency with an approved subdivision and reflect building envelopes for the affected sites. Therefore the inconsistency is considered of minor significance.	n/a	n/a	n/a

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2.3 Heritage conservation	Consistent. The planning proposal does not impact on any existing place of heritage or aboriginal significance.		Consistent. The subject sites are identified within a conservation area however, this planning proposal does not alter existing heritage provisions therefore retaining existing heritage controls.	Consistent. The planning proposal does not impact on any existing place of heritage or aboriginal significance.	
2.4 Recreation Vehicle Areas	Consistent. The planning proposal does not involve any land being proposed for recreational vehicle areas.				

	Item 1: Collingullie	Item 2: Barrington St and Plumpton Rd, Tatton	Item 3: 210 Tarcutta St	Item 4: Estella	Item 5: 368-370 Edward St
3.1 Residential zones	n/a	Consistent. The planning proposal provides for residential development removing the unintended existing restrictions on the land. As the sites are within existing residential areas, the proposal is an efficient use of the land with properties having access to infrastructure and services.	n/a	Inconsistent. As the planning proposal seeks to ensure the zoning of the land and boundaries reflects the approved subdivision, this planning proposal has not been prepared containing the required provisions. However due to nature of the planning proposal as needing to rectify mapping errors, this inconsistency is considered of minor significance.	n/a
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The planning proposal does not alter existing provisions for caravan parks or manufactured home estates.				
3.3 Home Occupations	Consistent. The planning proposal does not alter existing provisions for home occupations in dwelling houses.				

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3.4 Integrating Land Use and Transport	Inconsistent. This planning proposal is an extension of the existing RU5 village zone centre reflects the existing use of the site. Due to the use of the site as is existing, there will be no immediate increased impacts on transport or land use within the area, as the surrounding area is an existing village centre. Should the owner wish to develop other uses on site such as caravan park, transport and land use will be considered at the development assessment stage. Because of this, the inconsistency is considered of minor significance.	Inconsistent. This planning proposal is seeking to adjust a boundary of E2 zoned land adjacent to R1 land. There will be no increased impacts on transport or land use within the area, therefore the inconsistency is considered of minor significance.	Consistent. The planning proposal is consistent with both the <i>'Improving Transport Choice – Guidelines for planning and development'</i> and <i>'The Right Place for Business and Services – Planning Policy'</i> by expanding the existing B3 Commercial Core zone, which will increase employment opportunities adjacent to the existing commercial zone. This concentrates the development within an existing area serviced by public transport. The area is adequately serviced by parking facilities and other infrastructure.	Inconsistent. This planning proposal is seeking to rezone land from RE1 land to R1 land. Although the planning proposal does not meet the objectives of the Direction, transport and land use have been considered as part of the master plan process, therefore the inconsistency is considered of minor significance.	Consistent. This planning proposal is seeking to extend the existing B5 zone to include an additional site currently occupied by a bulky goods premise. This is consistent with the objectives of <i>'Improving Transport Choice – Guidelines for Planning and Development'</i> by being within an area that is concentrated with similar uses and <i>'The Right Place for Business and Services'</i> as the site is an existing use and is located in proximity to the Wagga town centre and will not generate any additional traffic than it currently does.

	Item 1: Collingullie	Item 2: Barrington St and Plumpton Rd, Tatton	Item 3: 210 Tarcutta St	Item 4: Estella	Item 5: 368-370 Edward St
4.3 Flood Prone Land	n/a	n/a	Inconsistent. The proposal seeks to rezone land from Special Use to Business. This inconsistency is considered of minor significance as it acknowledges the existing use of the site. Furthermore the land is protected by the city-wide levee and forms part of the Wagga Wagga CBD.	n/a	Consistent. The rezoning is proposed to ensure the zone reflects the existing use and does not impact on current provisions for flooding. Any changes to the existing use would be subject to flood conditions at the development assessment stage.
4.4 Planning for Bushfire Protection	n/a		Consistent. The site is identified as being in proximity to land mapped as bushfire prone and the RFS will be consulted if the planning proposal proceeds.	n/a	
6.1 Approval and Referral Requirements	Consistent. These items contain provisions which are limited in the requirements for referral to public authorities or the Minister.				
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not create, alter or reduce any existing zonings or reservations of land for public purposes.				

Section C – Environmental, social and economic impact.

7. 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. There is no evidence to suggest that there are threatened species or ecological communities within any of the sites subject to this planning proposal and the proposal only relates to existing uses and anomalies.

8. 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 anticipated environmental effects resulting from the planning proposal.

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

Item 1: Collingullie

Yes. The planning proposal addresses economic effects as the rezoning provides for a range of uses on the site. It also allows for the owner to carry out development more efficiently as the zoning change seeks to reflect the current use, and supports existing businesses in the area. The extension of the RU5 zone was considered the most appropriate option as the site is located close to the existing village and is supported by existing services and infrastructure. There will be minimal social effects as a result of the proposal.

Item 2: Tatton

Yes. It is determined that the best economic use for the land is to provide for residential development based on the approved subdivision. There will be minimal social effects as a result of the proposal as sites which are proposed to be permitted dwelling development are within existing residential areas with access to existing services and amenity.

Item 3: 210 Tarcutta St

Yes. The proposal will update the zone to reflect the existing use, providing development opportunities and additional uses. This can result in increased development opportunities and greater amenity for users of the community centre, or future development.

Item 4: Estella

Yes. The planning proposal seeks to rectify errors with the LEP maps to provide for medium density housing. This type of development is sought to provide for more housing diversity within the LGA. Although there is a reduction of RE1 zoned land, the remaining RE1 zoned land is adequate for the area.

Item 5: 368-370 Edward St

Yes. The economic impact of the planning proposal has been considered and provides for a concentrated use of the zone within the Dobney Ave/Pearson St precinct without altering the existing retail/centre hierarchy.

Section D – State and Commonwealth interests.

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

Yes. Items 1, 2, 3, and 5 seek to amend inconsistencies with zonings or errors and are within established areas with existing access to public infrastructure. The planning proposal deals with individual sites that will not significantly increase the demand on existing public infrastructure.

Item 4 includes boundary changes and a rezoning proposal for a new residential subdivision. Access to services and public infrastructure has been considered as part of the approved master plan and subdivision plans.

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

Any relevant public authority will be consulted once the Gateway determination has been issued and approval granted to proceed further with the planning proposal.

PART 4 – MAPPING

Draft maps are provided in Attachment 1-5 for site identification. The following maps are proposed to be amended once approval to proceed is issued under the Gateway Determination. Maps will be consistent with the Department of Planning and Infrastructure's mapping requirements.

Map	Item
FSR_003B	Item 3
HOB_003B	Item 3
LZN_001C	Item 1
LZN_003C	Item 4 Item 5
LZN_003F	Item 3
LZN_004D	Item 2
LZN_004E	Item 2
LSZ_001	Item 1

PART 5 – COMMUNITY CONSULTATION

No community consultation has been carried out prior to submission of this planning proposal. It is anticipated that the extent of community consultation will be set by the Gateway Determination.

PART 6 – PROJECT TIMELINE

STAGE	TIMING
Anticipated commencement date	February 2013
Anticipated timeframe for completion of required technical information	March 2013
Timeframe for government agency consultation	April 2013
Commencement and completion dates for public exhibition period	April 2013
Dates for public hearing	N/A
Timeframe for consideration of submissions	May 2013
Timeframe for consideration of a proposal post exhibition	May 2013
Date of submission to the department to finalise the LEP	June 2013
Anticipated date RPA will make the plan	June 2013
Anticipated date RPA will forward to the department for notification	June 2013