

Report on behalf of various land and business owners, to the Wagga Wagga City Council & the NSW Department of Planning and Infrastructure

Planning Proposal for new B5 zoning –part Sturt Highway and Lake Albert Road, Wagga Wagga

March, 2013



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Planning Proposal – B5 zone
Part Sturt Highway and Lake Albert Road, Wagga Wagga

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1 Introduction

This is a Planning Proposal for the rezoning of certain lands, submitted to the Wagga Wagga City Council to facilitate an application under section 56 of the Environmental Planning and Assessment Act 1979 for a Gateway Determination. Wagga Wagga Local Environmental Plan 2010 (the LEP) is the relevant plan.

This Planning Proposal has been prepared with regard to the publications:

- “A guide to preparing Planning Proposals”, State of NSW through the NSW Department of Planning July 2009, and
- “A guide to preparing local environmental plans”, State of NSW through the NSW Department of Planning July 2009.

The Planning Proposal is for a change of zoning of a number of parcels of land identified from *IN1 Industry* and *IN2 Light Industry* to *B5 Business Development* under the LEP.

This Planning Proposal is submitted on behalf of the land owners within the nominated areas.

2 The land subject of the Planning Proposal

The land the subject of this Proposal includes Sturt Highway non-residential land on Hammond Avenue between Lake Albert Road and Blaxland Street, and Sturt Highway non-residential land generally between the intersection of Edward Street and Dobney Avenue and Edward Street and Moorong Street.

The land also includes sites fronting Lake Albert Road between the Sturt Highway intersection and Copland Street.

A more detailed description of the land the subject of the Planning Proposal is shown on Figures 2, 3 and 4 within section 6 of this report. These Figures show individual land groupings of the proposed B5 zone on both sides of the Highway and Lake Albert Road.

3 Background to land uses in the proposed B5 zone

Highway land

The non-residential areas of the Sturt Highway (Hammond Avenue – east of Lake Albert Road and Edward Street – west of Lake Albert Road) consist of a variety of service based businesses, and some manufacturing and industrial activity businesses. Most of the businesses have a showroom component which is ancillary to the core business.

The showroom component is necessary to display the product which is typically altered, constructed, fitted, installed, serviced and the like. Some of the businesses are vehicle based, some are based on residential products and some are serviced based products. Most have area allocated to storage or display components which make it uneconomical to locate in the CBD retail area due to the higher rental value rate.

The Sturt Highway and northern Lake Albert Road businesses have located to take advantage of the high traffic flow (in the regional context) and visibility to custom, and the access advantages of being on the Highway or main road system. Wagga's Highway based warehouse, bulky goods, and showroom based retailing has developed in this fashion for over 40 years, without detrimentally impacting on the growth and vitality of the CBD. The CBD has a strong retail focus, notwithstanding the industrial retail and bulky goods businesses along the Highway.

Larger scale industrial/manufacturing activities and rural industries have typically, but not always gravitated to the Bomen industrial estate to the north, due to its separation to the main urban area and perceived and actual effects on amenity.

Lake Albert Road land

The strategic planning context of Lake Albert Road between the Highway and Copland Street is somewhat different to the main Highway strip.

Lake Albert Road in this locality is a transitioning former industrial area. There are two former liquid fuel depots in the process of site remediation, which together comprise much of the now englobo land within this area. Other land uses comprise bulky goods, light industry and vehicle repair.

Lake Albert Road is the second or third most trafficked road in Wagga behind the Highway. It is similar in context to the B4 zone opposite Bolton Park, which is a transitioning former industrial area, however it is not close enough to the CBD to warrant a more mixed use office and retail zone.

This part of Lake Albert Road is not suitable for residential development, but is close enough to the CBD to provide support services including the current light industrial, industrial retail, car repair and bulky goods businesses. The proposed Lake Albert Road B5 zone would go only as far south as Copland Street. The larger scale businesses would locate on the flatter land around Railway Street. The area also has existing expansive warehouse buildings which are suitable for conversion to other land uses.

4 Background to the Planning Proposal

The background to the Proposal includes the preparation of the Wagga Wagga 2008 Spatial Plan which underpins the current LEP, and the strategic planning work done by an external based consultant on the then draft LEP.

This work included an indifferent approach to strip industrial zones along major traffic routes, and failed to take into account the nuances of the Standard Instrument LEP to replicate a flexible Highway zone which would best represent the previous Wagga Wagga LEP 1985. The 1985 LEP provided significant flexibility for regional service, warehouse and industrial retail and bulky goods trading for existing non-core CBD traders on the Highway.

The resulting LEP provided an industrial zoned Highway strip which ignored more relevant Standard Instrument zones such as the *Enterprise Corridor* and *Business Development*, and instead imposed zonings which prohibited many current land uses, in conjunction with industrial retailing floor space limits which did not reflect the current and approved retail allocation for various land uses.

This background context provides the reason why the zoning must change to be more representative of current and future land uses. This issue is detailed further in this report.

5 Objectives and intended outcomes of the Planning Proposal

The objectives and intended outcomes of the Planning Proposal are:

- I. To recognise and re-zone the subject land to *B5 Business Development* to permit with consent its current and historic regional services, bulky goods, showroom and industrial retail land uses;
- II. To modify clause 5.4(4) of the LEP to better reflect the size of the showroom component of various existing and approved industrial retail outlets, and
- III. To bring about concurrent changes to the DCP to ensure that clauses relating to bulky goods retailing are consistent with the LEP and do not go beyond power.

6 Explanation of the provisions of the Planning Proposal

This section explains in detail the proposed amendments to the Wagga Wagga Local Environmental Plan 2010.

6.1 Proposed zone under the Wagga Wagga LEP 2010

It is proposed to amend the Land Zoning Map – Sheets LZN_003C, LZN_003F and LZN_004F of the LEP by changing the zone colour and label from that of *IN2* and *IN1* respectively to that of *B5 Business Development*, as shown on Figures 2, 3 and 4.

FIGURE 1 EXCERPT OF CURRENT LEP MAP SHEET LZN_003C SHOWING PROPOSED B5 ZONE AREA

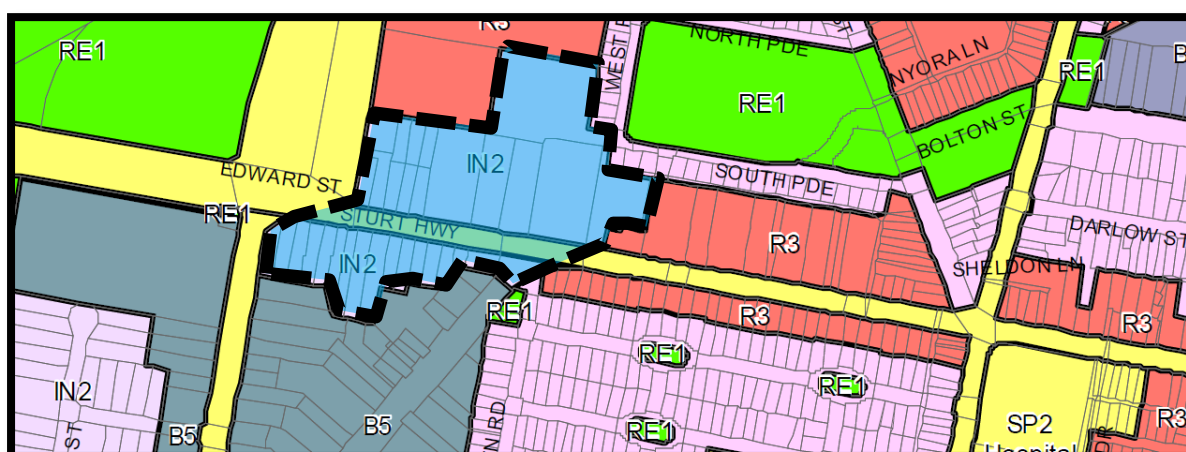


FIGURE 2 EXCERPT OF CURRENT LEP MAP SHEET LZN_003F SHOWING PROPOSED B5 ZONE AREAS NORTH OF HAMMOND AVENUE

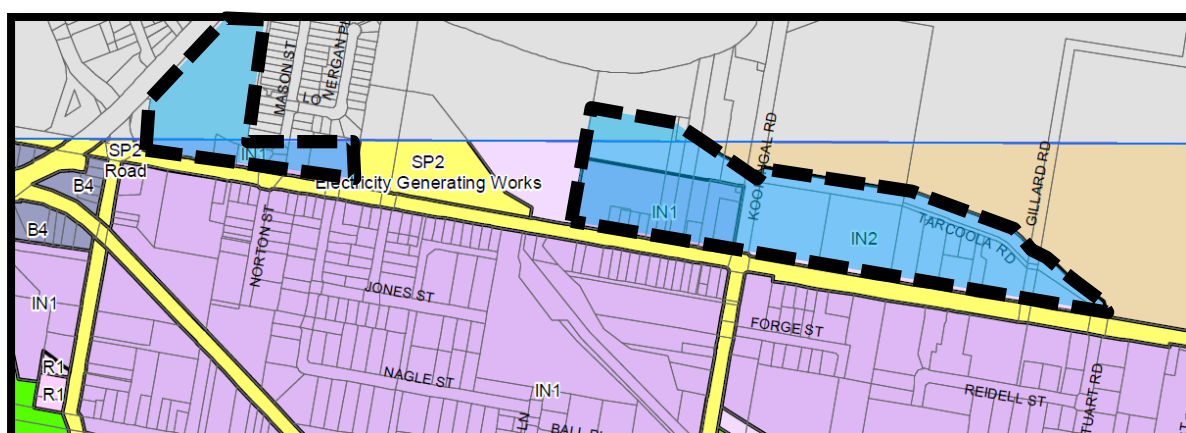
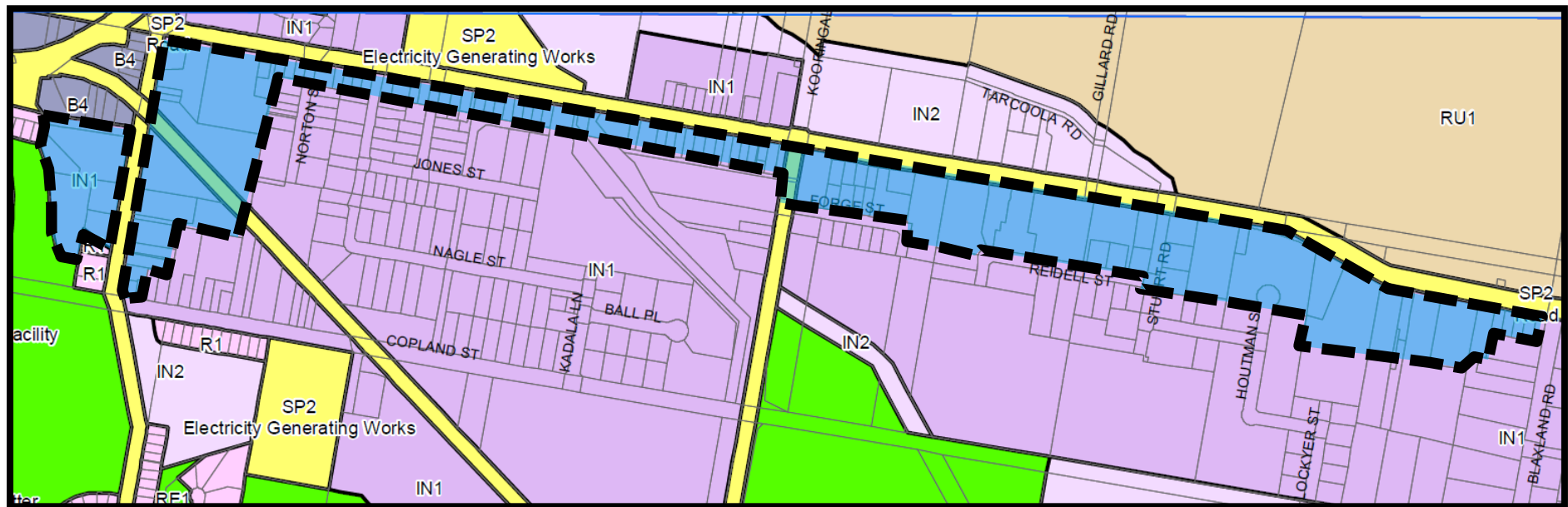


FIGURE 3 EXCERPT OF CURRENT LEP MAP SHEET LZN_004F SHOWING PROPOSED B5 ZONE AREAS SOUTH OF HAMMOND AVENUE



The permissible uses within the current B5 zone in the LEP land use table would remain unchanged.

6.2 Minimum lot size for proposed zone

The land the subject of this Planning Proposal will not be subject to a minimum lot size map.

6.3 Height of buildings map

The land the subject of this Planning Proposal will not be subject to a height of buildings map.

6.4 Other LEP maps

The Planning Proposal will not affect attributes of other LEP maps.

6.5 Other development standards or affectations relating to the land

Large parts of the land within the proposed rezoning area are affected by flooding from the Murrumbidgee River. Whilst this land is flood affected and shown on the 1% AEP flood extent map within the Murrumbidgee River Model Conversion Project¹, much of the land in the western part of the urban area is protected by the town flood levy. The land on Hammond Avenue, generally located north and east of Mason Street, is subject to periodic inundation, however the area to be rezoned is an established business area subject to existing flood policy. This proposal will have no implications for the flood area, beyond individual site assessment for future development applications.

¹ WMA Water September 2010 *Murrumbidgee River model Conversion Project Final Report*

7 Analysis of the Planning Proposal – why change must occur

7.1 Setting the current context – a strong services based economy

Wagga has a services based large regional centre economy, weighted more towards the retail, education and training, healthcare, accommodation and food and public administration sectors, than to the manufacturing and industrial sector. This is borne out by the 2011 Census figures for industry of employment by occupation. Figure 2 below shows the percentage employment of industry (by occupation) for Wagga Wagga, compared to New South Wales.

FIGURE 4 INDUSTRY OF EMPLOYMENT BY OCCUPATION WAGGA WAGGA & NSW

Industry area	% employment in Wagga Wagga	% employment in NSW
Healthcare	14.7	11.6
Retail	12.4	10.4
Education and training	10.9	7.9
Public administration	9.4	6.1
Accommodation & food	7.8	6.7
Manufacturing	7.8	8.4
Construction	7.7	7.3
Transport & warehousing	4.6	4.9
Wholesale	3.9	4.4

Source: www.censusdata.abs.gov.au 2011 Census Basic Community Profile, Place of Usual Residence

Figure 3 below presents industry of employment from another viewpoint, that of top responses for industry of employment during the 2011 Census. Figure 3 demonstrates the weighting of the economy toward the services sector, including education, food services, health and defence.

FIGURE 5 INDUSTRY OF EMPLOYMENT – TOP RESPONSES FOR WAGGA WAGGA, NSW AND AUSTRALIA

Industry of employment, top responses	Wagga Wagga	%	New South Wales	%	Australia	%
<i>Employed people aged 15 years and over</i>						
School Education	1,203	5.4	138,795	4.4	467,373	4.6
Cafes, Restaurants and Takeaway Food Services	1,134	5.0	127,711	4.1	412,804	4.1
Tertiary Education	965	4.3	60,850	1.9	198,933	2.0
Hospitals	887	3.9	101,494	3.2	361,011	3.6
Defence	694	3.1	22,486	0.7	73,392	0.7
Of the employed people in Wagga Wagga (Urban Centres and Localities), 5.4% worked in School Education. Other major industries of employment included Cafes, Restaurants and Takeaway Food Services 5.0%, Tertiary Education 4.3%, Hospitals 3.9% and Defence 3.1%.						

Source: www.censusdata.abs.gov.au Census QuickStats 2011

The Wagga Wagga Economic Profile 2011² notes in the Executive Summary that.

“Leading sectors include public administration & safety, manufacturing and health care & social assistance, representing over a third of the Wagga Wagga regional economy and highlighting Wagga Wagga’s role as both a population and business service centre.”

And

“The population service based sectors of health care & social assistance, retail trade and accommodation & food services are Wagga Wagga’s key employing sectors.

In section ‘3.1.2 Structure of the Economy’ the Profile³ states that.

“In 2009-10, Wagga Wagga’s leading sector, public administration and safety, generated an estimated \$343.9 million – over 12% of Wagga’s industry contribution to industry value-add. The strength of this sector is primarily due to the military presence in Wagga in the form of the Army Recruit Training Centre at Kapooka army training facility and the Royal Australian Air Force base located at Forest Hill.

Other leading sectors of the Wagga Wagga economy include manufacturing, finance & insurance services and health care & social assistance.

In 2009-10, the manufacturing sector was Wagga Wagga’s second largest sector (\$309.4 million) – representing 10.8% of industry value-add. Food product manufacturing and machinery and equipment manufacturing activities are the major contributors to the economic activity of this sector.”

In context, manufacturing is very important to Wagga Wagga, however the dominant manufacturing industries are located in the Bomen industrial estate to the north of the Murrumbidgee River, and not on the Sturt Highway (see also section 7.2 below).

Service industries, including those with showroom components have chosen to locate on the Sturt Highway strip, amongst other areas – see the land use survey in section 7.2.

² AEC Group July 2011 *Wagga Wagga Economic Profile 2011*

³ *ibid*

7.2 Analysis of existing industrial zoned land in the study area

The land uses within the Proposal area comprise primarily light industries, bulky goods retailing, industrial retail outlets, hardware and building supplies and vehicle sales or hire premises. The showroom and retail oriented businesses dominate the light industrial businesses, and their number is indicative of the historic treatment of the Highway strip by the Council's planners and decision makers over the past 30-40 years or so.

When the LEP 2010 was gazetted, the existing bulky goods land uses in the study area were prohibited and many of the industrial retail outlets were also prohibited by virtue of them exceeding the 11% retail floorspace maximum in clause 5.4(4) of the LEP. The LEP allows a retail maximum of 11% of gross floor area or 400m² of retail floor area, whichever is the lesser.

Table 1 shows the relative proportion of various land uses in the Planning Proposal area.

TABLE 1 LAND USES IN THE HAMMOND AVENUE, LAKE ALBERT ROAD AND EDWARD STREET PORTIONS OF THE STUDY AREA

	Hammond Avenue	Lake Albert Road	Edward Street	Total
Bulky goods retailing	11	1	4	16
Vehicle sales or hire premises	6	-	5	11
Hardware and building supplies	5	2	5	12
Light industry	14	8	6	28
Industrial retail outlet	9	3	3	15
Vehicle repair station	1	3	3	7
Business premises	1	-	-	1
Office premises	4	-	-	4
Retail premises	2	1	-	3
Warehouse or distribution centre	1	-	-	1
Exhibition home	3	-	-	3
Service station	1	-	1	2
Total				

Source: Survey by Newland Planning January 2013. Note that vacant buildings are not included and other land uses include a recreation facility (indoor), caravan park, pub, motel accommodation and food and drink premises.

A survey by Newland Planning in January 2013 indicates that the showroom (and retail) area of industrial retail outlets ranges from approximately 13% to approximately 70% of the gross floor area of the relevant businesses within the study area. Very few businesses exceeded 400m² of retail floor area. A number of businesses had well over 50% of the gross floor area allocated to retail and showroom space.

The current LEP provisions in clause 5.4(4) do not represent the actual historic provision of industrial retail floor area within the study area. In most cases the area allocated to retail is governed by the design of the building, as originally approved by the Council. Typically the building will have a retail/showroom/administration area at the front with masonry construction for the external walls, and often a separate industrial/warehouse area to the rear with more typical industrial construction.

The current LEP controls essentially prohibit new businesses from moving into an existing building and using the current retail/showroom area for the purpose it was originally designed and approved for. Clause 5.4(4) of the LEP should be changed to allow the maximum retail area permitted by the Standard Instrument, which is 67% (2/3) of the gross floor area of the building.

The Standard Instrument has a built in clause to limit the size of the retail area to 400m², therefore large buildings will not operate as de-facto retail premises, protecting the core CBD retail area.

7.3 Bulky goods retailing in Wagga Wagga

There is some confusion within the business sector in Wagga Wagga as to what bulky goods retailing permits. This confusion has been exacerbated by the DCP controls which provide additional limitations not intended or provided by the LEP definition. Provided below is the definition of bulky goods premises and also hardware and building supplies, from the LEP Dictionary. Under the Standard Instrument both land uses are a type of *retail premises*.

“hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.”

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
 - (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,
- and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.”

Within Wagga Wagga the site on the north eastern corner of Koorringal Road and the Sturt Highway is scheduled in the LEP as enabling bulky goods premises with consent. However this site has been primarily approved for a very large hardware and building supplies outlet - ‘Masters’, presently under construction.

Building and hardware supplies are permissible in the IN1 and IN2 industrial zones in Wagga Wagga, but bulky goods premises are not. The Masters site, whilst LEP scheduled for bulky goods, will not be available for that purpose (in the main) and for the medium and possibly long term. This issue is discussed further in section 7.4.1.

The DCP attempts to provide further detail and controls for bulky goods premises, unfortunately beyond the scope of the LEP Dictionary definition.

Section 12.4 of the DCP provides as follows (emphasis added).

12.4 Bulky Goods Premises

Under the LEP, Bulky Goods Premises are permitted in the business zones and on particular sites, but not in industrial zones.

Bulky goods products typically require large showroom space for display, and handling by fork lift loader. Bulky goods can include carry away finished and semi-complete furniture and furnishings, but not every day needs such as clothing, small household items, fresh food or produce or office supplies.

Objectives

- O1 Ensure that the floor space of Bulky Goods Premises is substantially used for the sale of larger items.
- O2 Ensure safe and efficient access, site planning and layout.

Controls

C1 Bulky Goods Premises are not to sell “everyday needs” such as clothing or small household items, fresh food or produce, or office supplies.

C2 At least 80 percent of the gross floor area is to be dedicated to large items.

C3 A coordinated sign and access strategy is required for sites that propose multiple tenancies. The strategy is to make provision for a centralised sign containing details of the businesses located on the site, directional signs for the safe and efficient operation of the site, and details of the size and location of individual tenancy signs.

The DCP clearly contravenes the LEP and Standard Instrument provisions by imposing a numeric control on the minimum floorspace of a building dedicated to large items, in the absence of such a control in the Standard Instrument; and creates confusion in suggesting that bulky goods are handled by forklift (due to size and weight?) but can include carry away finished and semi-complete furniture.

As the DCP control C2 clearly contravenes the Standard Instrument, the control should be removed completely from the LEP, and the reference to fork lift handling should also be removed.

7.4 Strategic planning and business strategy context to B5 zoning

7.4.1 Retail and commercial strategy context

The Council most recently considered the issue of bulky goods retailing strategy in the rezoning of land either side of Dobney Avenue and Pearson Streets in west Wagga Wagga. This rezoning was completed in the last 18 months. The Planning Proposal prepared by the Council provides the following strategic context and justification in relation to the B5 zone and bulky goods.

“The *Retail and Commercial Development Strategy* by Leyshon Consulting 2007⁴ argued for an additional 16,068 sq. m of bulky goods floorspace by 2021, most of which would be located in the Southern Growth Area of Wagga. In response, items 1, 3 and 4 in Schedule 1 of the WWLEP 2010 refer to land developed for the purpose of “bulky goods premises”. The total combined area for these sites is 136 187.4 sq. m. assuming that 30% of this area is occupied by floor space; the current WWLEP 2010 would therefore allow approximately 41,000 sq. m. of floor space dedicated to “bulky goods premises”. However, the sites included in Schedule 1 of the Wagga Wagga LEP 2010 are of varying sizes and frontages and are not concentrated in one established high exposure location.

The report also recommended two options for the future of bulky goods development strip style bulky goods retailing along the Sturt Highway, Edward Street/Hammond Avenue or concentrate development in one (or more) sites around the LGA. It stated that bulky goods retailing would continue to perform best in locations which enjoy maximum exposure to significant volumes of passing traffic as well as being central to significant catchment populations.”

Note: In relation to the Dobney Avenue Planning Proposal section 7.4.2 of *this report* comments on the likely effectiveness of the Dobney Avenue B5 zoning in relation to bulky goods.

The Council’s Dobney Avenue Planning Proposal acknowledged that the LEP scheduled bulky goods sites may not be as suitable as envisaged.

Newland Planning notes that the large land areas enabled by Schedule 1 of the LEP to be taken up for bulky goods retailing are not going to eventuate. Two of the three sites will not be used predominantly for bulky goods.

Schedule 1 Item 4 of the LEP refers to the new Masters site, which will be mostly used for hardware and building supplies, with a minor component of bulky goods.

Schedule 1 Item 1 of the LEP refers to the former Homemaker site (aka the Marshalls Creek site). This land has been sold by the original developer and has now been split to form light industrial sites, as the land was too constrained by its shape, access and lack of Highway frontage to be used as a concentrated bulky goods site.

Together these two sites *comprise over 30,000m² of bulky goods floorspace* which has been planned for in Wagga but which is *not likely to eventuate*. When the land in Dobney Avenue and Pearson Street is discounted for concentrated bulky goods use (see section 7.4.2 below) the best remaining land for bulky goods (and retention of existing bulky goods businesses) is the Sturt Highway and northern Lake Albert Road area as indicated by this report.

⁴ Leyson Consulting Pty Ltd (April 2007) *Advisory Report – Retail and Commercial Development Strategy City of Wagga Wagga*

The Leyshon report⁵ noted that Wagga Wagga *could support around 16,000m² of additional bulky goods floorspace by 2021*, and bulky goods retailers would particularly seek to establish along the Sturt Highway.

(Note - when the Leyshon report was prepared bulky goods were permissible in the industrial zones...now they are not).

The Leyshon report also noted⁶, that the Council had the option to facilitate strip style development along the Highway or concentrated bulky goods development on one or more sites. The 'concentrated' option was embodied in Schedule 1 of the LEP but due to market forces beyond the Council's control has not eventuated.

Leyshon noted that "bulky goods retailing will doubtless continue to perform best in locations which enjoy maximum exposure to significant volumes of passing traffic as well as being central to significant catchment populations."

Leyshon further noted that "An obvious location to accommodate "strip style" bulky goods retailing in Wagga Wagga are the strips of industrial land which radiate out in an east-west direction from the intersection of Tarcutta Street and the Sturt Highway".

This Planning Proposal is consistent with the Leyshon strategy, which guided the Spatial Plan and new 2010 LEP for the City. Rezoning the land the subject of this proposal will recognise and make permissible the existing 16 bulky goods businesses located in the area (with the ability to expand), and enable additional bulky goods premises to be established according to market demand and location, without oversupply in the short to medium term.

By modifying the provisions of clause 5.4(4) of the LEP the existing 15 or so light industrial retailing businesses in the study area will be recognised and made permissible under the LEP. They will also have more ability to expand.

Importantly the proposed B5 zone will not provide for blanket retail and office space to be established. The retail component of land uses will be limited to industrial retail showrooms and bulky goods. This is consistent with the requirements of the Council and the Department of Planning and Infrastructure, as established by the Dobney Avenue B5 Planning Proposal.

⁵ ibid

⁶ ibid

7.4.2 Effectiveness of recently rezoned Dobney Avenue B5 precinct

Dobney Avenue is predominantly comprised of vehicle based land uses, in particular vehicle sales and vehicle repair businesses. The remaining land uses are hardware and building supplies, and a very small number of bulky goods businesses (oriented toward the building trades industry).

Dobney Avenue has had significant recent investment in new vehicle showrooms, for example Subaru, Peugeot, Nissan, Audi, VW and Mercedes Benz, and together the vehicle sales businesses take up much of the landscape of Dobney Avenue. Pearson Street also features predominantly vehicle repair and sales, and hardware and building supplies businesses.

These businesses have chosen to locate in the Dobney Avenue area as a legacy of the main road status and congregation of like land uses, however the locality does not receive the traffic and visibility of the Highway, more so with Pearson Street. This is reflected in the low number of bulky goods premises in the area, and is indicative of the relative attractiveness of the area for bulky goods.

The relative traffic flow and the significant capital investment in existing vehicle sales premises, together with the feasibility of moving to an alternate location, means it is highly unlikely that Dobney Avenue will be developed for substantial bulky goods interests. It is also highly unlikely that Pearson Street will be developed for land uses dissimilar to the current vehicle and building supplies businesses.

7.5 Fundamental purpose of this Planning Proposal and reason for change

The fundamental purposes of this Planning Proposal are.

- a) To have the Council understand the negative impact that the current blanket Industrial zones have on the flexibility of business trading and provision for growth in the Highway strip;
- b) To have the Council understand the analysis within this document and the case presented for betterment, and
- c) To provide an appropriate, considered set of planning tools and zoning for Highway land uses under the Standard Instrument, not the ‘blunt’ zoning and inflexible tools currently offered within the LEP.

The fundamental reasons for changing the current LEP and DCP in the manner summarised in section 7.6 below are.

- i. To allow existing businesses, now prohibited and presently located on the Highway strip to move location within the strip, and to allow new businesses to locate on the strip (to promote the status quo of the 1985 LEP), and
- ii. To promote competition and operation of market forces to determine the location of bulky goods along the Highway strip, not within pre-determined locations which may not be suitable for those purposes.

7.6 Summary of proposed changes to the LEP and DCP

The proposed changes requested are as follows.

- A. Change the zoning of the land shown in Figures 2, 3 and 4 to *B5 Business Development*.
- B. Modify clause 5.4(4) of the LEP to refer to an industrial retail component of up to 67% of the gross floor area of the building, or 400m², whichever is the lesser.
- C. Modify section 12.4 of the DCP to remove reference to any numeric standard of minimum floor area required for bulky goods (delete Control C2), and delete the preamble to that clause which provides that bulky goods typically require handling by fork-lift loader.

8 Justification of the Planning Proposal

Principle – the level of justification should be proportionate to the impact the Planning Proposal will have.

8.1 Is the proposal a result of any strategic study or report?

This Planning Proposal is the result of the research and analysis presented in this report by Newland Planning, a professional consulting planning firm.

8.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal as submitted is the best means of achieving the intended outcomes of the land owners, as the current statutory planning tools are blunt and unfocused and unable to provide the status quo of the 1985 LEP, as well as new opportunities for incoming businesses.

The Standard Instrument does have sufficient scope, in most instances, to provide this status quo and opportunity, however it has not been used to its full potential to date.

8.3 Is there a net community benefit?

According to “A guide to preparing Planning Proposals” an overarching principle for the justification of a Planning Proposal is that the level of justification should be proportionate to the impact the Planning Proposal will have. Similarly the level of detail and analysis in conducting a Net Community Benefit Test should be proportionate to the size and likely impact of the rezoning.

The *net community benefit* to this Planning Proposal will be in the freeing up of the current prohibitive land use controls, to allow existing businesses to expand or change location on the Highway strip and Lake Albert Road, and to allow new businesses to enter the market.

This outcome of the Planning Proposal will be to make Wagga Wagga more competitive for business investment in the regional and State economy. The Proposal will have minimal cost as all transport and utility infrastructure is already in place.

The Planning Proposal is unlikely to have any adverse impacts on the study area or City of Wagga Wagga generally.

9 Relationship to strategic planning framework

9.1 Is the proposal consistent with the relevant sub-regional strategy?

At present there is no sub-regional planning strategy which includes the Wagga Wagga local government area.

9.2 Is the proposal consistent with the Wagga Wagga CSP?

The local government area of Wagga Wagga has a current Community Strategic Plan 2011-2021.

Section 5.6 of the CSP is relevant - “to provide employment opportunities for all”.

The Planning Proposal is consistent with the strategic objectives within the Wagga Wagga Community Strategic Plan.

9.3 Is the proposal consistent with the applicable SEPPs?

State Environmental Planning Policy 55 Remediation of Land (SEPP 55) is relevant to this Proposal.

This Proposal relates to an existing urban area, therefore the provisions of SEPP 55 will be applied by the Council at individual development application stage.

9.4 Is the proposal consistent with the applicable Ministerial s.117 Directions?

There is one Ministerial Direction (Local Planning Direction under s.117 of the EPA Act 1979) which is applicable to this Planning Proposal.

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- a) encourage employment growth in suitable locations,
- b) protect employment land in business and industrial zones, and
- c) support the viability of identified strategic centres.

Under the Direction this Planning Proposal must:

- I. give effect to the objectives of this direction,
- II. retain the areas and locations of existing business and industrial zones,
- III. not reduce the total potential floor space area for employment uses and related public services in business zones,
- IV. not reduce the total potential floor space area for industrial uses in industrial zones, and
- V. ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

In relation to Direction 1.1 the following is noted.

- The Planning Proposal is generally consistent with the Direction and a separate study, apart from this analysis, is not required.
- The Proposal will not reduce or limit the potential for light industry and industry in the current IN2 and IN1 zones – General Industries and Light Industries as defined are permissible in the proposed B5 zone.
- The Proposal will retain the areas and locations of existing business and industrial zones.
- The Proposal will not reduce the total potential floor space area for employment uses and related public services in business zones.
- The Proposal does not involve provision of new employment areas.
- The Proposal will provide more certainty, and make it more efficient and less costly (and in some cases make it actually *permissible*) for existing businesses to move or expand premises within the same locality.

Note: An approved regional or sub-regional plan does not apply to Wagga Wagga and the City is not an ‘identified strategic centre’.

9.5 NSW Draft Centres Policy

The NSW Government Draft Centres Policy – Planning for Retail and Commercial Development, April 2009 (revised in May 2010) remains in consultation draft form and is not Government policy. In this regard the *Local Planning Direction 1.1* under s.117 of the EPA Act 1979, as discussed above, is more relevant.

10 Environmental, social and economic impact

10.1 Is the land affected by any environmental constraints?

The land is generally constraint free, apart from a Murrumbidgee River flood affectation along parts of Hammond Avenue. This is discussed in section 6.5.

10.2 Will the proposal adversely affect critical habitat or threatened species?

No, the land is not affected by critical habitat or threatened species or endangered ecological communities.

10.3 Are there any other likely adverse environmental impacts of the proposal, and how will they be managed?

The proposal essentially provides for the status quo for most existing buildings in the brownfield areas to be rezoned. There will be no environmental impacts at the strategic level which require assessment at this point. Future individual development applications will address localised impacts on merit.

10.4 How has the proposal adequately addressed any social and economic effects?

The various sections within this proposal have discussed the social and economic effects of the rezoning, including the *net community benefit*.

11 State and Commonwealth interests

11.1 Is there adequate public infrastructure for the proposal?

The land comprises well established development – brownfield areas. The Planning Proposal relates to established trading areas of Wagga Wagga.

There is adequate infrastructure to allow the proposal to proceed. The land is serviced by reticulated sewer and potable water, electricity, telephony and natural gas. The existing development is located on the Sturt Highway and the arterial Lake Albert Road with established traffic control facilities.

The rezoning of the land to recognise current land uses will not generate the need for additional public or private infrastructure.

11.2 What are the views of State and Commonwealth authorities consulted in accordance with the Gateway Determination?

This will be advised through Gateway Determination. The nature of the proposed rezoning of existing developed land along existing Highway routes is not likely to require consultation with most State government agencies, apart from the Roads and Maritime Services agency.

On this basis no pre-consultation has been carried out with State government agencies.

It is submitted that there are no relevant Commonwealth authorities to consult in this instance.

12 Community consultation

The level of community consultation for the proposal will be determined at the Gateway Determination. However as the proposal is considered to be of importance to existing Highway traders it is submitted that a 28 day public exhibition and consultation period may be appropriate.