

RP-5 PLANNING PROPOSAL TO REZONE LOT 1, 335 HAMMOND AVENUE, WAGGA WAGGA FROM RU1 PRIMARY PRODUCTION TO IN2 LIGHT INDUSTRIAL ZONE

Author: Grant, Ian
Director: Crakanthorp, Andrew

Recommendation

That Council:

- a receive and note the report**
- b forward the planning proposal for the change of zone over the subject land to the Department of Planning and Infrastructure under section 56(1), requesting that the Minister issue a 'gateway determination' that will allow the planning proposal to proceed**

Summary

The Environmental Planning and Assessment Act has provisions which allow private individuals or companies to prepare and lodge Planning Proposals. Accordingly, Council has received a Planning Proposal from Mr and Mrs J Howard and this report recommends that Council support the intent of Mr and Mrs Howard to rezone the land as detailed in the report below.

The Planning Proposal seeks to amend the Wagga Wagga Local Environmental Plan (WWLEP 2010) by rezoning Lot 1, DP 164353, 335 Hammond Avenue, Wagga Wagga from RU1 Primary Production to IN2 Light Industrial and to change the Minimum Lot Size from 2 hectares to no Minimum Lot Size.

Background

The land at 335 Hammond Avenue is currently zoned RU1 Primary Production. It is occupied by a dwelling and is surrounded by RU1 Primary Production and RU4 Rural Small Holdings zones on the north of Hammond Avenue and an IN1 General Industrial zone to the south of Hammond Avenue, the latter extending east as far as Tasman Road.

The site is approximately 2 hectares in area with its northern boundary the Murrumbidgee River. The site is cleared except for a row of street trees fronting the properties Hammond Avenue street boundary and river front vegetation along the northern boundary. The surrounding land to the east and west comprises rural residential dwellings. The small area of RU4 zone to the west of 335 Hammond Avenue located on the property immediately to the west, is included in the land identified in the rezoning proposal. The planning proposal also includes the proposed rezoning of land to the east of the subject site. Both these properties are owned by others.

As advised in rezoning proposal, the proposed IN2 Light Industrial zone will permit uses including: depots, light industries, neighbourhood shops, take away food and drink premises and warehouse or distribution centres and prohibit heavy industrial storage establishments, heavy industries and offensive storage establishments.

A submission prepared by Lennon Salvestro Planning was made to the Wagga Wagga Local Environmental Plan (LEP) 2010 (WWLEP 2010) during the formal exhibition of the Wagga Wagga LEP 2010. The submission requested that Council consider the inclusion of the subject site as industrial zoned land within the LEP 2010. The Wagga Wagga City Council Planning Panel in its consideration of the submission advised the following:

'The submission was not supported. Although the area sought to be zoned for Industrial is flood free and has some development potential, a servicing strategy would be required to determine feasibility of sewerage the land. There is also a river erosion issue associated with the river front on part of the land that needs further investigation'.

Subsequent discussion with Council, confirmed that the specific flood status of the land as well as its access to appropriate services, were to be established and defined. Of concern to Council, because of the context of the proposal, was that any investigation should look beyond the site and include analysis of the future validity of the zoning of all land within the precinct, to avoid ad hoc rezoning of segments of land. A flood and bank stability report has now been provided as an appendix to the proposal and the bank stability report has been peer reviewed as requested by Council.

Additional research has been undertaken in regards to the feasibility of providing sewer and drainage, water, telecommunications, electricity and gas infrastructure to the site.

The proposal to rezone portions of the land to the east and west is a response to the issue of the requirement for the wider contextual review of the timeliness and appropriateness of the proposed rezoning.

Considerations

There are a number of issues relating to this proposal which are reflected in the extent of the area being recommended for rezoning in the attached formal planning proposal. They are:

- The land west of Eunony Bridge Road, currently accommodates a range of uses more suited to a mid-twentieth century context, before issues of "most appropriate" or "higher and better" use, gained currency. In addition, it is considered that an RU1 Primary Production zone is better suited to land with a greater depth and therefore potential yield than that existing land along this strip.

Further, all the land on the southern side of Hammond Avenue, west of Tasman Road, extending to Lake Albert Road adjacent to the boundary of the entrance to the city centre, is zoned IN1 General Industrial and is accordingly serviced.

There is therefore justification for considering at least the less open, shallower east land of the alignment of Blaxland Road and including the disused Services Station site to the east of 335 Hammond Avenue, the extent of which includes the "precinct" context land identified in the rezoning proposal as being better suited to an alternate use into the future.

- While the rezoning proposal identifies the appropriateness of including an area of land greater than simply the land at 335 Hammond Avenue, it is not possible for council to consider any land for which rezoning permission has not been lodged. The application does not include such permission from adjoin landowners. For this reason the Planning Report to the Planning Standing Committee, must address only, the justification for the proposed rezoning of only 335 Hammond Avenue via terms of its location and context.
- Sewer and drainage were identified by the Council's planning panel as issues that needed to be more closely considered with any planning proposal. MJM solutions were engaged to explore the sewer and drainage network. The subject site is within close proximity to the existing drainage systems located in Lawson Street and the system could be extended to accommodate the subject site. A sewer investigation identified that it is necessary to install a pressure sewer pumping system to service the subject site due to insufficient grade to be able to service the property with a conventional gravity based system. The investigations conclude that satisfactory servicing can be supplied to the site on a user pays basis without causing any negative impacts or strain on the existing servicing systems.
- Further investigations were also required to address the river erosion issue associated with the river front on part of the subject site. A Murrumbidgee Bank Condition Report has been prepared by Ken Page from Charles Sturt University recommending that a fenced and well-vegetated buffer zone not less than 10m wide be established to protect the sandy bank top to minimize potential bank retreat, with specific provisions being incorporated into the Wagga Wagga Development Control Plan 2010. The investigations were peer reviewed and supported by WMA Water.
- The subject site remains dry during a 1% Annual Exceedance Probability (AEP) flood event but the surrounding lands become inundated causing the site to become an island. During a 1% AEP event all access to the site would be cut and remain isolated for around 60 hours and access to the Sturt Highway would be likely to become available approximately 120 hours after the gauge height has received 7.5 metres and flood waters have peaked and receded. The site could be included in the Eastern Industrial (Medium Flood Risk) Area if rezoned industrial and recommends that future flood levels allow a 500mm freeboard above the 5% AEP flood event in accordance with the NSW Floodplain Development Manual (NSW, 2005).
- While the land in its current state of development provides a reasonably pleasant open view on the northern side of the Sturt Highway, the view does not extend beyond its northern boundary. The land is not serving its zoned purpose and it is considered likely that even if not rezoned now, the current review of Council's 2008 Spatial Plan, is likely to identify the land as being better suited to a more productive zone.

Given the relatively small size of the extent of land discussed above, rezoning to an IN2 Light Industrial zone is considered to be a more appropriate fit for the immediate future, than the B6 Enterprise Corridor

zone being recommended in a separate planning proposal, for the deeper, larger, potentially “entry point land, further east at Gumly Gumly”.

The rezoning proposal will not require a change in the minimum lot size – or minimum lot size map, as the land is not currently the subject of a minimum lot size and the proposed IN2 Light Industrial zone does not attract a minimum lot size.

Planning Proposal

The elements of the attached Planning Proposal (Attachment 1) are as described below:

- To rezone Lot 1 DP 164653 from RU1 Primary Production to IN2 Light Industrial will achieve consistency with the Industrial land immediately to the south of Hammond Avenue.

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 decision will set out requirements for any additional investigations, consultations and the timing of any required changes to the WWLEP 2010.

Budget

N/A

Policy

Wagga Wagga Local Environmental Plan 2010
Wagga Wagga Development Control Plan 2010

Impact on Public Utilities

Infrastructure and servicing constraints and opportunities have been investigated and the findings demonstrate that the site can be suitably serviced without any downstream impacts on infrastructure or natural systems.

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 proposal will assist the community in understanding Council's position on the potentials of the Sturt Highway corridor west of the Tasman Road roundabout.	N/A
Environmental	The proposal will assist in the gradual process of rationalisation of the land uses on the northern side of the Sturt Highway, west of Tasman Road roundabout and thus allow for rationalising the design of infrastructure services. The proposal will allow for controlled (through Development Control Plan provisions) improvement to the presentation of the land to the Sturt Highway.	N/A
Economic	To a lesser extent than the proposed Gumly Gumly precinct east of the Tasman Road roundabout, the proposal has the potential to increase demand for local convenience store facilities.	N/A
Governance	N/A	The increased intensity of use of the land has the potential to require increased monitoring of the impacts of food scouring on the river edge of the land. However it is accepted that this may not be other than a monitoring issue.

Risk Management Issues for Council

The increased intensity of use of the land has the potential to require increased monitoring of the impacts of food scouring on the river edge of the land. However it is accepted that this may not be other than a monitoring issue.

Internal / External Consultation

The potential for rezoning of this land has been discussed by Council's Planning staff and was not supported when referred to the Wagga Wagga City Council Planning Panel for consideration in 2010. However, with the advent of the current proposal to rezone land east of the Tasman Road roundabout to accommodate a B6 Enterprise Corridor zoning, the strategic context changes. The opportunity presents itself to examine the context of all underproductive land west of the Tasman Road roundabout – i.e. Land closer to the Wagga Wagga City Centre. It is considered that there is scope to accept a potentially different, contributory role for land over the northern side of the Sturt Highway, west of the Tasman Road roundabout.

Attachments

1. Planning Proposal.
2. Attachment A - Current Zoning.
3. Attachment B - Extent of Proposed IN2 Zone.
4. Planning Proposal - Section 117 Directions.
5. Proposed Land Zoning Map LZN 004F.