

Planning Services

Gateway Determination Report

LGA	Wagga Wagga
RPA	City of Wagga Wagga
NAME	Amend Schedule 1 of the Wagga Wagga Local Environmental Plan 2010 by adding business premises as an additional permitted use on Lot 2 DP 1016567, 1A Moorong Street, Moorong
NUMBER	PP_2018_WAGGA_001_00
LEP TO BE AMENDED	Wagga Wagga Local Environmental Plan 2010
ADDRESS	1A Moorong Street, Moorong
DESCRIPTION	Lot 2 DP 1016567
RECEIVED	17 January 2018
FILE NO.	EF18/910
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The planning proposal seeks to amend Schedule 1 of the Wagga Wagga Local Environmental Plan 2010 (WWLEP 2010) by adding business premises as an additional permitted use on Lot 2 DP 1016567. The planning proposal seeks to facilitate the real estate and financial services components of the agribusiness Elders Pty Ltd to operate in conjunction with their rural supplies service on the site.

Site Description

The site to which the planning proposal applies is shown in Aerial Photo 1 below.

Aerial Photo 1



Source: maps.six.nsw.gov.au

Lot 2 DP 1016567 is zoned part IN2 Light Industrial and part RU1 Primary Production under the provisions of the WWLEP 2010.

The site is presently undeveloped and has direct frontage to Moorong Street along the extent of its eastern boundary. Moorong Street runs parallel to the Olympic Highway, linking the site to major road networks.

Surrounding Area

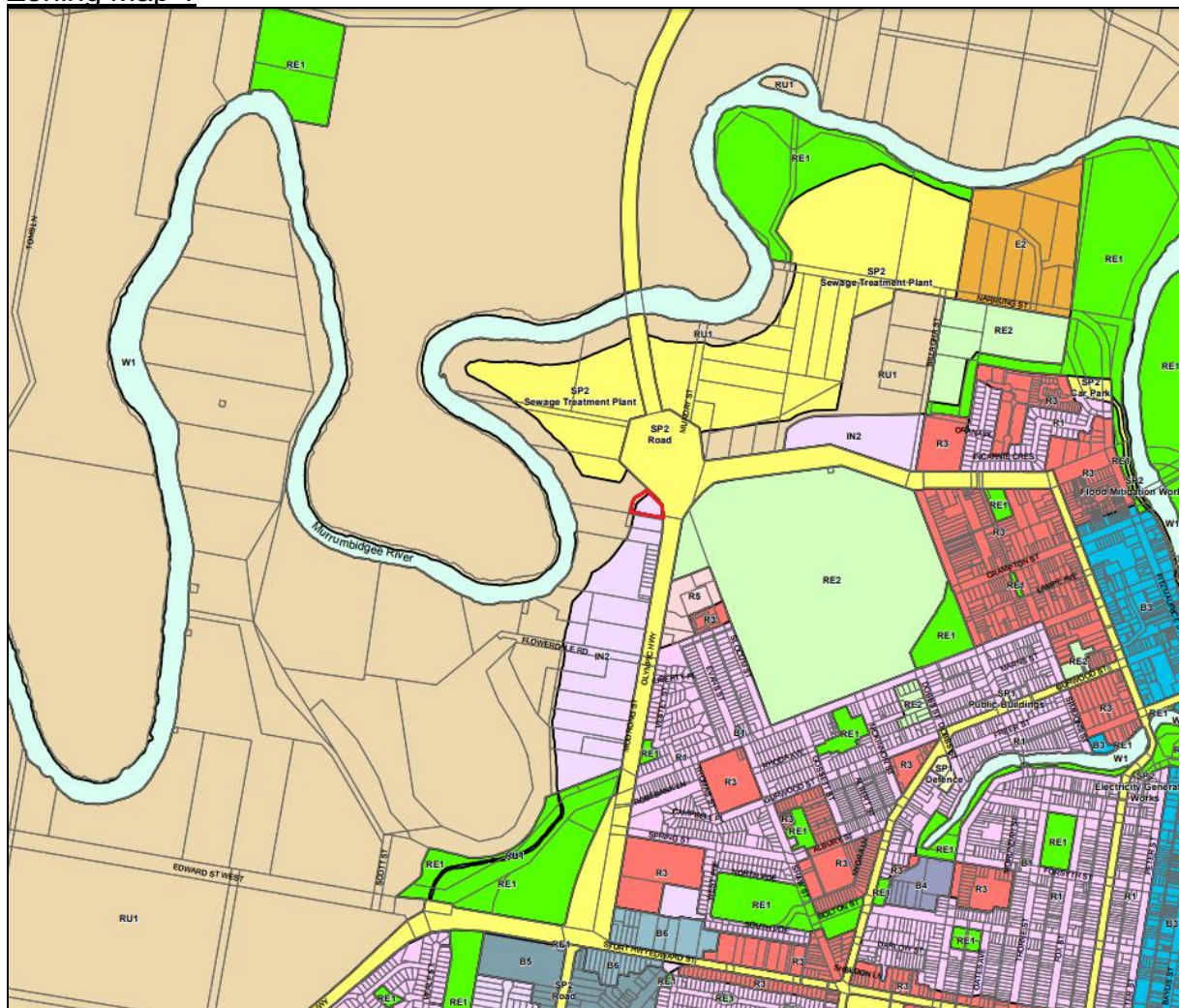
The area surrounding the site to which the planning proposal applies is shown in Aerial Photo 2 and Zoning Map 1 below.

Aerial Photo 2



Source: maps.six.nsw.gov.au

Zoning Map 1



Source: legislation.nsw.gov.au

The area surrounding the site is zoned IN2 to the south, RU1 to the west and SP2 Infrastructure (Road) to the North East.

The adjoining IN2 zoned land comprises industrial and warehouse development along the full extent of Moorong Street.

The site is separated from the Wagga Wagga Central Business District to the east by the Olympic Highway. RU1 zoned land to the west of the site is traversed by the Murrumbidgee River which is located 200m west of the site.

Summary of Recommendation

It is recommended that the Planning Proposal proceed subject to the following conditions:

- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 12 months.

PROPOSAL

Objectives or Intended Outcomes

The objective of the planning proposal is to amend the WWLEP 2010 by adding business premises as an additional permitted use on Lot 2 DP 1016567.

The planning proposal seeks to facilitate the real estate and financial services components of the agribusiness Elders Pty Ltd to operate in conjunction with their rural supplies service.

Explanation of Provisions

The planning proposal seeks to amend Schedule 1 of the WWLEP 2010 to add business premises as an additional permitted use on Lot 2 DP 1016567.

The planning proposal clearly explains the manner in which the proposed LEP amendment is to be achieved.

Mapping

The planning proposal does not seek to amend or introduce any LEP maps.

Although the Department's standard technical requirements for LEP mapping include instructions for the preparation of Additional Permitted Uses maps, the WWLEP 2010 does not presently have a map set identifying the additional permitted uses currently listed in Schedule 1. Therefore, the introduction of an Additional Permitted Use map set for the purposes of this planning proposal is considered unnecessary.

NEED FOR THE PLANNING PROPOSAL

According to the planning proposal Elders Pty Ltd is planning to relocate to the site and the proposed LEP amendment will facilitate the real estate and financial services components of the agribusiness to operate in conjunction with their rural supplies service subject to development consent.

At present, business premises is a prohibited land use in the IN2 and RU1 Zones under the provisions of WWLEP 2010. Therefore, the planning proposal seeks to amend Schedule 1 of the WWLEP 2010 by adding business premises as an additional permitted use on the site. Rural supplies is a permissible use in the IN2 and RU1 Zones under the provisions of the WWLEP 2010.

The planning proposal states:

"Other options were considered such as the potential to rezone the precinct to achieve the intended outcome but after discussions with council representatives and the Department of Planning, changes to Schedule 1 to include an additional permitted use for 1A Moorong St, Wagga Wagga was the best way of achieving the outcome."

As noted in the planning proposal, although rezoning the site is an option to achieve the intended outcome it is not considered appropriate in this circumstance given the site is situated in an established light industrial precinct. Rezoning the site would lead to an isolated site-specific zoning which would be incompatible with surrounding land use patterns.

Accordingly, it is considered that the proposed amendment to Schedule 1 of the WWLEP 2010 is the best means of achieving the intended outcome of the planning proposal.

STRATEGIC ASSESSMENT

Riverina Murray Regional Plan 2036

The planning proposal identifies the following directions and actions of the Riverina-Murray Regional Plan 2036 as applicable:

- *Direction 2: Promote and grow the agribusiness sector.*

Action 2.1 Encourage agribusiness diversification by reviewing local plans and removing restrictive land use zonings and outdated land use definitions.

The planning proposal states the proposed LEP amendment encourages the diversification of rural supplies by seeking to include business premises as a permissible use on the site.

- *Direction 4: Promote business activities in industrial and commercial areas.*

Action 4.2 Promote specialised employment clusters and co-location of related employment generators in local plans.

Action 4.4 Encourage the consolidation of isolated, unused or underused pockets of industrial zoned land to create new development opportunities over the long-term.

The planning proposal states that the site to which the proposed LEP amendment applies is situated in an established agribusiness precinct and development of the site will not only enhance the visual appearance of Moorong Street but also encourage development in the surrounding area.

It is considered that the planning proposal is consistent with Directions 2, 4 and the overall intent of the Riverina Murray Regional Plan 2036. The planning proposal will facilitate the consideration of a development application to co-locate Elders Pty Ltd agribusiness' services on a single site within an established light industrial precinct.

Wagga Wagga Spatial Plan 2013

The planning proposal identifies the following objectives of the Wagga Wagga Spatial Plan 2013 as applicable:

- Facilitate the development of a prosperous city;
- Provide flexible opportunities and appropriate locations for establishing and growing business; and
- Provide opportunities for key businesses established in Wagga Wagga to grow further.

It is considered that the planning proposal is consistent with these objectives and the overall intent of the Wagga Wagga Spatial Plan 2013. The planning proposal will facilitate the consideration of a development application to co-locate Elders Pty Ltd agribusiness' services on a single site in a suitable location.

Section 117(2) Ministerial Directions

1.1 Business and Industrial Zones

Direction 1.1 Business and Industrial Zones applies as the planning proposal affects land within an industrial zone.

The planning proposal is consistent with this Direction as it does not propose any amendments to the zoning of the land or a reduction in applicable floor space area.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

6.3 Site Specific Provisions

Direction 6.3 Site Specific Provisions applies as the planning proposal will facilitate a specific land use to be carried out on a specific site.

The planning proposal is consistent with this Direction as despite seeking to amend Schedule 1 of the WWLEP 2010 to add a site specific additional permitted use, it does not impose any development standards or requirements in addition to those already contained in the WWLEP 2010.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

SITE SPECIFIC ASSESSMENT

Social, Environmental and Economic Impact

The planning proposal does not present any significant adverse social, economic or environmental impacts.

The site to which the planning proposal applies is zoned IN2 and forms part of an established light industrial precinct along the extent of Moorong Street. Accordingly, the site is considered to be a suitable location for the proposed use given the adjoining area is comprised of compatible land uses and the site has access to essential services and infrastructure.

The site is identified on the WWLEP 2010 Water Resource map as subject to groundwater vulnerability. In accordance with clause 7.6 of the WWLEP 2010 the consent authority must consider the impact of development on existing groundwater sources. This is a matter for consideration at development assessment stage and does not affect the strategic merit of the planning proposal.

The site is also subject to clause 7.2 Flood Planning of the WWLEP 2010. Given the location of the site in relation to the Murrumbidgee River it is likely that the consent authority would consider flood hazard as part of the development assessment process.

CONSULTATION

Community

The planning proposal indicates public exhibition will be undertaken in accordance with the requirements of the Gateway Determination.

Given the nature of the planning proposal a public consultation period of 28 days is considered appropriate. The Gateway Determination will specify that consultation is to be carried out in accordance with the Department's *A guide to preparing local environmental plans*.

Agencies

The planning proposal indicates consultation with public authorities will be undertaken in accordance with the requirements of the Gateway Determination.

The planning proposal seeks to add an additional permitted use to facilitate a development which is compatible with surrounding land uses and will be situated on a site with few constraints. Accordingly, any issues relating to the proposed development which may concern public authorities can be addressed at the development assessment stage when a detailed design for the proposed facility has been submitted.

TIMEFRAME

Council has proposed an 8 month project timeline to complete the proposed amendment to the WWLEP 2010.

Although the planning proposal could be completed within this timeframe, a period of 12 months is considered an appropriate timeframe to account for any unexpected delays.

DELEGATION

Council has requested delegation to prepare the draft LEP under Section 59 of the Act. Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions was submitted by Council with the planning proposal.

Given the planning proposal seeks to facilitate a local development with no significant regional implications, it is considered appropriate that delegations are given to Council.

CONCLUSION

The planning proposal is supported to proceed with conditions and is considered to satisfy the requirements of the Departments 'A guide to preparing planning proposals'.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree that the planning proposal is consistent with Section 117 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions.

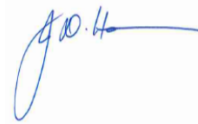
It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans (Department of Planning and Environment 2016)*.
2. A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.



13/2/18

Deanne Frankel
Team Leader, Southern



13/02/2018

Jeffrey Horn
Acting Director Regions, Southern
Planning Services

Contact Officer: Will Mayes
Planning Officer, Southern Region
Phone: 8275 1050