

**PSRP-7 PLANNING PROPOSAL TO REZONE DEFERRED AREAS TO RU1 PRIMARY PRODUCTION AND AMEND THE MINIMUM LOT SIZE TO 200 HECTARES**

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**Recommendation****That Council:**

- a resolve to support the planning proposal to amend the Wagga Wagga Local Environmental Plan 2010**
- b submit the planning proposal to the Department of Planning and Environment for Gateway Determination**

**Executive Summary**

The Department of Planning and Environment requested Council to rezone the Deferred Matters areas in a letter dated 12 February 2015. The proposal is to rezone the land to RU1 Primary Production and to amend the minimum lot size to 200 hectares (Attachment 1).

**Background**

The proposed rezoning of land at Cartwrights Hill, including the Deferred Matters has been considered in a series of reports. The Wagga Wagga City Council Planning Panel considered reports in June 2010, September 2010, October 2010, May 2011, February 2012, June 2012, February 2013 and May 2013.

The Southern Joint Regional Planning Panel on 13th October 2013 approved the rezoning of the Deferred Matters at Cartwrights Hill to RU6 Transition and R5 Large Lot Residential with a minimum lot size of 200 hectare and one (1) hectare respectively.

The Department of Planning and Environment's (DP&E) notified Council in a letter received in February 2015 (attachment 2) that Amendment No. 13 of the Wagga Wagga LEP 2010 had been published. The amendment retained approximately 30 hectares of land south of Bomen Road as a Deferred Matter. The DP&E also retained certain land (approximately 15 hectares) east of East Street as a Deferred Matter. The reasons for deferring the RU6 Transition and RU1 Primary Production zoning related to potential economic impacts on land owners and uncertainty regarding the Bomen Industrial Sewerage Treatment Facility (BISTF).

The DP&E at a meeting held on 19 August 2015 supported a generic planning proposal for the area.

**Planning Proposal**

The site comprises of two (2) sites. The first site is located between old Bomen Road, Bomen Road and the Olympic highway in Cartwrights Hill. The second is located at East Street Cartwrights Hill. The Bomen industrial area is located to the east and south- east.

The land includes: -

#### Deferred Matter 1

- Lot 1 DP 572883
- Lot 2 DP 612237

#### Deferred Matter 2

- Lot 1 DP 700660
- Lot 2 DP 700660
- Lot 3 DP 700660
- Lot 4 DP 700660

The proposed amendment to the WW LEP 2010 is to:

- a. Rezone the Deferred Areas at Cartwrights Hill to RU1 Primary Production.*
- b. Amend the minimum lot size to 200 hectares for the RU1 Primary Production Zone, and to depict this on the Lot Size Map.*

### **Considerations**

#### *Bomen Industrial Area*

The Bomen Industrial area is an important economic driver for the City of Wagga Wagga. The area contains major transport and logistics based businesses. In 2015 more than 1,900 people were employed in this significant industrial area. Further employment growth is expected once the major intermodal transport facility is constructed.

#### *Bomen Industrial Sewerage Treatment Facility (BISTF)*

The BISTF is a pre-treatment facility that treats industrial effluent from the Bomen industrial area. The plant reduces the industrial effluent to domestic strength quality before reaching Council's Narrung Street Treatment Facility. The Narrung Street Treatment facility then reduces the effluent from domestic strength to a suitable quality before discharging into the Murrumbidgee River.

There are no plans in Council's Long Term Financial Plan (10 years) or the Developer Servicing Plan (30 years) to expand the BISTF. New development in the Bomen industrial area could increase the need to improve / expand the BISTF.

#### *Minimum lot Size and Zoning*

A significant consideration regarding an appropriate zoning and minimum lot size is the impact from odour and noise pollution from the adjoining Bomen Industrial area and BISTF. Reducing potential impacts on existing and future residents is critical, especially as the Bomen industrial area expands and the need increases for an expanded BISTF.

### *Potential Land Use Conflict*

As mentioned, there is potential for conflict if dwellings are located too close to industrial land uses. Conflicts occur from noise, odour, dust or other pollution generated from industrial activities and the operation of the sewage treatment plant. A buffer between these uses will reduce the potential for conflict. Residents' complaints could prove costly as businesses may need to either suspend operations or rectify the pollution.

### *Acoustics Assessment*

Atkins Acoustics prepared a noise impact assessment for the BISTF in September 2012. This assessment was considered at a Southern Joint Regional Planning Panel meeting held on 16 May 2013. The Panel ultimately approved rezoning the deferred matters areas to RU6 Transition and R5 Large Lot Residential.

The report considered options that would reduce noise exposure to Cartwrights Hill and potential future land uses. At the time the cumulative contribution from the plant would achieve a noise level of more than 10dBA below the assessment intrusion criterion of 40dBA.

The assessment established that for the purpose of buffer zones for R5 Large Lot residential zoned land, 75% of land located north of Old Bomen Road would be noise affected.

Further updated assessments were undertaken as part of the submission to the Land and Environment Court NSW appeal against Council's decision to refuse a Development Application for 26 residential allotments.

### *Odour Assessment*

A Buffer Zone Odour Impacts assessment was prepared by Todoroski Air Sciences Pty Ltd in 8 November 2011. The purpose of the assessment was to investigate impacts from an expanded BISTF and to recommend a buffer to potential residential development. The assessment was based on a developing between 30 to 125 residences. It was established that existing odour levels in the Bomen area are already above DECC criteria. The model predicted that complaints from odour will be quite high.

An important finding of the report was for Council not to increase receptors in the Cartwrights Hill area. A larger buffer west of the BISTF was recommended due to increasing sewage treatment requirements.

Once again further updated assessments were undertaken as part of the submission to the Land and Environment Court NSW appeal against Council's decision to refuse a Development Application for 26 residential allotments.

### *Protecting the Strategic Significance of the Bomen Industrial Park*

The Land and Environment Court NSW recently (28 October 2015) dismissed an appeal against Council's decision to refuse Development Application No 13/0457 for the subdivision of Lot 10 DP 255059, Lot 1 DP 572883 and Lot 2 DP 612237, also known as 1-101 Old Bomen Road, Cartwrights Hill. An important component of the judgement was the '*broader strategic planning direction for the Cartwrights Hill area*'.

**Budget**

N/A

**Policy**

Environmental Planning and Assessment Act 1979.  
Wagga Wagga Local Environmental Plan 2010.

**Impact on Public Utilities**

There will be no impact on public utilities.

**Link to Strategic Plan****4. We have a sustainable natural and built environment****4.2 We plan for resilient and sustainable built environments****QBL Analysis**

|               | <b>Positive</b>                                                                                                                                                                                                                                              | <b>Negative</b> |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Social        | Positive social outcomes will occur from the rezoning because future and existing residents will be protected from noise and odour impacts from the Bomen industrial area and the BISTF.                                                                     | N/A             |
| Environmental | Positive environmental outcomes will occur by retaining an appropriate buffer between residential properties and the BISTF.                                                                                                                                  | N/A             |
| Economic      | Positive economic outcomes will occur because existing and future residents will be protected from potential noise and odours from the Bomen industrial area and BISTF.                                                                                      | N/A             |
| Governance    | Resolution of the rezoning and minimum lot size of the Deferred Matters / Areas represents a fair and equitable outcome. This takes into consideration objections to smaller lot sizes and potential impacts from the Bomen industrial estate and the BISTF. | N/A             |

**Risk Management and Work Health and Safety Issues for Council**

There are no specific issues identified.

**Internal / External Consultation**

Consultation with Council's internal LEP working group occurred on 30 September 2015 where the impacts from noise and odour from the Bomen industrial area and the BISTF were discussed. The Atkins Acoustics (2012) report may need to be revised to consider cumulative noise and odour impacts.

**Attachments**

1. Planning Proposal
2. Letter Department Planning & Environment February 2015