

Rezone land at Gumly Gumly, Wagga Wagga to B6 Enterprise Corridor

Proposal Title : **Rezone land at Gumly Gumly, Wagga Wagga to B6 Enterprise Corridor**

Proposal Summary : **Wagga Wagga Council proposes to rezone Lot 1, DP 305732 and Lot 1, DP 1085667, Sturt Highway, Gumly Gumly from RU1 Primary Production to B6 Enterprise Corridor for the purposes of a business/industrial precinct with limited retailing activity.**

PP Number : **PP_2012_WAGGA_007_00** Dop File No : **12/07068-1**

Proposal Details

Date Planning Proposal Received : **19-Sep-2012** LGA covered : **Wagga Wagga**

Region : **Southern** RPA : **Wagga Wagga City Council**

State Electorate : **WAGGA WAGGA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Sturt Highway**

Suburb : **Gumly Gumly** City : **Wagga Wagga** Postcode : **2650**

Land Parcel : **Lot 1, DP 305732**

Street : **Sturt Highway**

Suburb : **Gumly Gumly** City : **Wagga Wagga** Postcode : **2650**

Land Parcel : **Lot 1, DP 1085667**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Rezone land at Gumly Gumly, Wagga Wagga to B6 Enterprise Corridor

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The Planning Proposal seeks to identify additional employment land in an accessible location on the Sturt Highway near Wagga Wagga. Issues of rezoning land zoned RU1 Primary Production to B6 Enterprise Corridor and flood affectation have been adequately addressed.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council's statement clearly articulates the intended outcomes of the proposal, ie. change the zoning of the land to enable a range of business and industrial uses.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal intends to do three things:**
1. Amend the Land Zoning Map (LZN) to rezone the subject land to B6 Enterprise Corridor
2. Amend the Lot Size Map (LSZ) to remove a minimum lot size on the subject land.
3. Insert a new B6 Enterprise Corridor Zone into the land use tables in Wagga Wagga LEP 2010.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The RPA has identified a number of inconsistencies with s117 Directions:

Direction 1.2 Rural Zones - any inconsistencies have been justified by the study prepared in support of the planning proposal.

Direction 3.4 - The Department does not consider that the proposal is inconsistent with this Direction as the location and potential for transport accessibility achieve the intended objectives. The study prepared in support of the planning proposal has demonstrated that the Direction's objectives can be achieved.

The inconsistencies with Directions 1.5 Rural Lands and 4.3 Flood Prone Land are considered of minor significance.

Recommendation: That the Director General can be satisfied that any inconsistencies with s117 Directions have been justified by studies and/or are of minor significance.

Council also intends to rezone a small area of privately owned land that was inadvertently shown as RE1 Public Recreation Zone in Wagga Wagga LEP 2010. Therefore s117 Direction 6.2 Reserving Land for Public Purposes applies and the Director General's agreement is required.

Recommendation: The Director General agree to rezoning a small area of privately owned land from RE1 to B6 and that any inconsistency with the Direction is only of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

However, Council has not indicated that it needs to amend all the sheets in the LZN Map series to accommodate the introduction of the new B6 Enterprise Corridor Zone.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has not proposed a time for community consultation. 28 days is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

Council has not included "Office premises" in the proposed land use table for the new B6 Enterprise Corridor Zone, despite advice from the Department that without it, it may not comply with the standard objectives for the zone. However, this is not a mandated

Rezone land at Gumly Gumly, Wagga Wagga to B6 Enterprise Corridor

use in the LEP Template.

Council has not identified that the LZN Map series legends need to be amended to accommodate the introduction of the new B6 Enterprise Corridor Zone.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Council's Principal LEP was notified in 2010.

Assessment Criteria

Need for planning proposal :

The Council has been approached by an applicant wanting to rezone land on the edge of Council's industrial area on the Sturt Highway leading into Wagga Wagga City. Council has agreed that this is an opportunity for the development of the area to act as a Gateway into Wagga Wagga, whilst still providing for business and industrial activities in the area.

Consistency with strategic planning framework :

The proposal is consistent with the SEPPs and s117 Directions, although it is considered of minor significance for any inconsistencies with Directions 1.5, 4.3 and 6.2.

The Planning Proposal includes the introduction of a new B6 Enterprise Corridor Zone. Council is proposing to prohibit "Commercial Premises" which is a group term for "Business premises", "Office premises" and "Retail premises". It intends to permit "Business premises" with consent. However, the standard objectives of the zone include "To provide a range of employment types (including business, office, retail and light industrial uses)."

Council's proposed land use table for this zone includes a range of specific retail uses that would address the objectives of the zone (for example, garden centres, landscaping material supplies, take away food and drink premises, wholesale supplies). However, it does not propose to permit any specific office development. Therefore, it is considered that Council's proposed land use table is inconsistent with the objectives of the B6 Enterprise Corridor Zone.

To resolve this inconsistency, it is recommended that "Office premises" be included in the land use table as permitted with consent.

Environmental social economic impacts :

There are potential flooding issues relevant to the site, however, the applicant has already undertaken a flood study that indicates there is sufficient area available on the site for commercial and industrial development to occur, whilst maintaining a floodway at the rear of the subject land.

Council proposes that this precinct (including an area of land opposite the subject land on the Sturt Highway) act as a Gateway into Wagga Wagga City and clearly define the urban/rural boundary.

There may be issues with access to the subject land from the Sturt Highway. Advice will be required from Roads and Maritime Services to resolve any issues around access to and from the Highway.

According to the applicant's accompanying study, there is potentially an undersupply of small-scale light industrial land in the Wagga Wagga area; this proposal will provide a range of business and industrial opportunities without detracting from other industrial, business or commercial precincts in Wagga Wagga.

Rezone land at Gumly Gumly, Wagga Wagga to B6 Enterprise Corridor

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority **Murrumbidgee Catchment Management Authority**
Consultation - 56(2)(d) **Office of Environment and Heritage**
: **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter to DoP&I Gumly Gumly Planning Proposal Sep12.pdf	Proposal Covering Letter	Yes
Gumly Gumly Planning Proposal SEP12.pdf	Proposal	Yes
LZN_004F_Attachment_A Sep12.pdf	Map	Yes
LSZ_004 - Sep12.pdf	Map	Yes
Council Report.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
1.2 Rural Zones
1.5 Rural Lands
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection

Additional Information : **That the Director General, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to Wagga Wagga Local Environmental Plan 2010 to rezone land from RU1 Primary Production and RE1**

Public Recreation to B6 Enterprise Corridor with no minimum lot size should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

Murrumbidgee Catchment Management Authority
Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A 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).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.

5. Council is to insert the land use "Office premises" into item 3 Permitted with consent into the new B6 Enterprise Corridor Zone land use table.

6. Amend all sheets in the LZN Map series to include the B6 Enterprise Corridor Zone in the legend.

7. SECTION 117 DIRECTIONS - It is recommended that:

(a) the Director-General can be satisfied that the inconsistencies with the following s117 Directions are justified by studies and/or of minor significance:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land;

(b) The Director General agree to the reduction in land zoned RE1 Public Recreation Zone and can be satisfied that any inconsistency with Direction 6.2 Reserving Land for Public Purposes is only of minor significance; and

(c) The Director-General can be satisfied that the planning proposal is consistent with any other relevant s117 Directions or that any inconsistencies are of minor significance.

(d) No further consultation is required in relation to any s117 Direction while the planning proposal remains in its current form.

8. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

This is a relatively straight forward rezoning proposal. Whilst it is a spot rezoning, this particular proposal has sufficient merit, given the assessment of industrial land supply and the location and accessibility of the subject land.

Rezone land at Gumly Gumly, Wagga Wagga to B6 Enterprise Corridor

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

5th October 2012