

PLANNING PROPOSAL

Rezoning of Land on the Sturt Highway, Gumly Gumly from RU1 Primary Production to B6 Enterprise Corridor

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The purpose of this Planning Proposal is to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP 2010) by making the following changes:

- Item 1: Rezone Lot 1 DP 305732, Lot 1 DP 1085667, 3870 Sturt Highway, Gumly Gumly as shown in Attachment A from RU1 Primary Production to B6 Enterprise Corridor. This will alter the WWLEP 2010 zoning map by removing the indicated extent of land coloured and zoned RU1 primary production, and by replacing it with the colour indicating the B6 Enterprise Corridor zone. The minimum lot size map will be amended by removing the minimum lot size applicable to the existing RU1 Primary Production zone. The B6 enterprise Corridor Zone has no mandated minimum lot size. The proposed B6 Enterprise Corridor precinct will not be assigned a minimum lot size. The subject land forms part of a larger proposed B6 Enterprise Corridor Precinct.

Note: The accompanying RPS study is provided in support of the Planning Proposal for the subject land.

- Item 2: ***Land Use Table***

Insert a new B6 Enterprise Corridor zone into the WWLEP 2010:

- a) Identifying the following land uses as: 2 “Permitted without Consent”

Roads

- b) Identifying the following land uses as: 3 “Permitted with Consent”

“Animal boarding or training establishments; Bulky goods premises; Business premises; Community facilities; Depots; Garden centres; hardware and building supplies; hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Passenger transport facilities; Plant nurseries; Recreation facilities (indoor); Rural supplies; Services Stations; Signage; Take away food and drink premises; Timber yards; Vehicle sales or hire premises; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in 2 or 4”

- c) Identifying the following land uses as: 4 “Prohibited”

“Agriculture; Air transport facilities; Airstrip; Amusement centres; Bio solids treatment facilities; Boat building or repair facilities; Boat sheds; Boat launching ramps; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial

premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Home Business; Home occupations; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipad; Home-based child care; Home occupation (sex services); Information and education facilities; Jetties; Marinas: Mooring; Mooring pens; Mortuaries; Open cut mining; Places of public worship; Port facilities: Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sex services premises; Storage premises; Tourist and Visitor accommodation; Water recreation structures; Wharf or boating facilities.

PART 2 – EXPLANATION OF PROVISIONS

Amend the WWLEP 2010 as set out below:

Item 1 Amend the WWLEP 2010 land zoning map as shown in attachment A. Attachment A shows the subject site (Rundles Site and the Northern Side of the precinct).

Amend the WWLEP 2010 Minimum Lot Size map as shown on the attached Site identification maps.

Item 2: Amend the WWLEP Land Use Table to include the new B6 Enterprise Corridor Zone including all the necessary objectives; uses permitted without consent; uses permitted with consent and; uses prohibited.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal the result of any strategic study or report?

No. The land which is the subject of this Planning Proposal, has not been subject to specific strategic reports or studies (however, the land falls within the whole of local government area which was the subject of the Wagga Wagga Floodplain Risk Management Plan 2008).

This Proposal is consistent in principle with a previous draft Wagga Wagga Local Environmental Plan 2008 submission. That submission to rezone the subject land was first made at the time of the exhibition of the draft Wagga Wagga LEP 2008, but while lodged on behalf of the same landowner, the initial submission sought to rezone the land to IN2 Light Industrial. Following subsequent more detailed discussion on the most appropriate future development in the locality, a more recent approach to Council was to seek a rezoning of the land to B6 Enterprise Corridor rather than the initial IN2 proposal. The land was identified as flood prone land under the Wagga Wagga Floodplain Risk Management Plan, May 2009 and WMA Water was commissioned by the applicant on

the basis of its capability to review the findings of its Floodplain Risk Management Plan, which is attached to the Planning Proposal.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Without the proposed rezoning the intended use for the larger proposed precinct cannot be achieved. The land is not considered to be of appropriate size for sustainable agricultural uses. Further, because of the presence of both a large retail centre and a significant number of typical residential lots on the southern side of the highway, the character of the precinct as a whole, while traditionally rural, has been urbanised for a considerable time. The proposed rezoning would result in the land being better used on a whole of precinct basis as a Enterprise Corridor precinct and will provide a key entry statement into the City of Wagga Wagga. No other standard instrument zone can as readily meet this objective.

3. Is there a net community benefit?

Yes, overall the proposal has the potential to allow for more productive uses of the land and to assist in establishing a well defined built edge to the urbanised central area of Wagga. The proposal will provide a positive net community benefit in that:

- The proposed rezoning seeks to encourage business and employment generating uses;
A B6 Enterprise Corridor zoning along the Sturt Highway will expand the range of permissible uses in the locality and thereby accommodate more employment generating uses.
- Redevelopment of underutilised agricultural land and an accompanying increased profile for Gumly Gumly as Wagga's new gateway edge.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There are no applicable regional or sub-regional strategies applying to the Wagga Wagga LGA.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?

The planning proposal is consistent with the Wagga Wagga Community Strategic Plan 2011-2012 and is relevant to:

5.2 Attract a range of industries via connected business hubs.

The objectives of the proposed rezoning of the land on both sides of the Sturt Highway at Gumly Gumly are:

- To alter the zoning to a zone which will allow Council to condition development to create a high quality built form as the eastern entry point to Wagga's Centre. The subject land forms a part of the proposed larger precinct.
- In relation to the above objective to rationalise the currently disparate land uses, the proposed precinct is expected to provide consistency of future development opportunity for the locality as a city entry point.
- While rezoning the land, to ensure that the rezoned land allows for the establishment of a bona fide new 'business hub' – with potential future functional links with the Bomen Industrial area – rather than allowing for the further eastward spread of the traditional light industrial ribbon development. Introduction of the proposed B6 Enterprise Corridor zone in this location effectively draws a line in the sand and focuses future light industrial development to either the already large area of land zoned for that purpose, west of Tasman Road, or to Bomen.

5.6 Provide employment opportunities for all.

The proposed zoning change has the potential to contribute to increasing the viability – and thus employment creation – of business in the locality as a result of the multiplier effect of increased local area visitation and spending.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent with relevant State Environmental Planning Policies (SEPP's).

State Environmental Planning Policy No. 55 – Remediation of Land.

The SEPP requires the planning authority to consider whether land is contaminated, and if so whether it is, or can be made, suitable for the proposed use. If land is found to be potentially contaminated or previously contaminated, a preliminary contamination assessment can be prepared for the site.

On review of Council's Potentially Contaminated Land Register, Council can confirm that the subject land is not on Council's Potentially Contaminated Land Register.

State Environmental Planning Policy (Rural Lands) 2008

The aims of this State Environmental Planning Policy are to:

- facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- implement measures designed to reduce land use conflicts,
- identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

This is discussed further under the heading Ministerial Section 117 directions below.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

Direction 1.1 Business and Industrial Zones

The Planning Proposal is consistent with this direction as it will encourage employment growth in suitable locations without adversely affecting the primacy of the Central Business District; it is considered that while the B6 zone permits business premises and garden centres, it should be noted that the wider locality accommodates a garden centre and the retailing activity of the Riverina Marine Centre without causing adverse impacts on the City Centre. It is anticipated that the future use of the subject land and within the proposed precinct will be of similar, small scale and of different character to the city centre.

Direction 1.2 Rural Zones

Item 1 is inconsistent with this direction because it is rezoning rural land to Enterprise Corridor land. The subject land is not of a size typically required to support sustainable agricultural uses, is located in an essentially urbanised context, has not been used for agriculture for a considerable amount of time and, given its location at the turn off to the increasingly significant Bomen Industrial Estate, is currently characterised by an unattractive scatter of unrelated developments.

Item 2 is consistent with this direction.

Direction 1.5 Rural Lands

The Planning Proposal is inconsistent with this direction.

The proposal is inconsistent with this direction as it will alter the current RU1 Primary Production Zone. However, as detailed in the response to the Minister's Section 117 Direction 1.2 above, this inconsistency is of minor significance as the land is no longer used for the purposes of Primary Production because of its isolated location size and recent history of use.

The Proposal is not consistent with the Rural Planning Principles contained in the *State Environmental Planning Policy (Rural Lands) 2008* as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

However as detailed above the inconsistency is of minor significance.

Furthermore, the location of the proposed new zone within an established largely urbanised 'village' context, and in a location where it can form part of a precinct which will contain any further light industrial 'ribbon' development along the Sturt Highway, can be achieved without causing fragmentation of rural land or resulting in any land use conflicts.

Item 2 in this Planning Proposal is consistent with this direction.

Direction 2.1 Environment Protection Zones

Not applicable. The Subject land is not zoned environmental protection.

Direction 2.3 Heritage Conservation

Not applicable. The proposal does not affect the conservation of items, areas, objects or places of environmental heritage significance or indigenous heritage significance.

Direction 3.4 Integrating Land Use and Transport

Item 1 is inconsistent with this direction as it will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. However, this inconsistency is addressed by the attached RPS study prepared in support of the planning proposal, which gives consideration to the objective of this direction.

The RPS study notes that *“The proposal satisfies the principles of the Improving Transport Choice – Guidelines for planning and development as:*

- *the B6 zone would accommodate businesses with significant freight movements and low to medium employment density;*
- *the site is ideally located adjacent to an established industrial area and approximately close to the Wagga Wagga CBD;*
- *the site has sufficient area to accommodate well designed car parking facilities both now and into the future;*
- *There are opportunities to extend the city’s bike path network to this site;*
- *An increase in business activity to the precinct will facilitate justification for improved public transport options to the Gumly area by making public bus scheduling viable.*
- *The study’s Traffic Impact Assessment (Appendix B) concludes that the proposal can be supported on traffic grounds.*

The Right Place for Business and Services – Planning Policy aims to ensure that trip generating activities can be co-located where there is transport choice and is also aimed to protect existing centres. The predominant types of uses expected to locate in the precinct are agricultural based sales and service industries and other light industries. Council has provided as part of this Planning Proposal (Item 3) created a proposed land use table which aims to limit the type of retailing and other service uses that could occur on the site to ensure the integrity of the CBD is maintained”.

Item 2 in this Planning Proposal is consistent with this direction.

Direction 3.5 Development near Licensed Aerodromes

Not applicable. The proposed B6 precinct is located four kilometres from the Wagga Airport which is not within the immediate vicinity of the airport and as such falls well outside of the ANEF noise contours.

Direction 4.3 Flood Prone Land

Item 1 is inconsistent with this direction as it seeks to create, remove or alter a zone or a provision that affects flood prone land. However, the inconsistency is considered of minor significance as the accompanying RPS study identifies this area as suitable for development as proposed form of development on the northern side of the highway will still allow the land to act as a floodway while reducing the risk category from High risk to Medium risk. As a result, the form of proposed development can proceed and the provisions of the Planning Proposal that are inconsistent are of minor significance.

Item 2 in this Planning Proposal is inconsistent with this direction for the same reasons as listed in items 1 and 2. However, the Planning Proposal is in accordance with the floodplain risk management plan as the provisions of item 3 will ensure that only low impact commercial development will occur within the proposed B6 precinct.

Direction 4.4 Planning for Bushfire Protection

The Planning Proposal is consistent with this direction as the area is not identified as ‘bush fire prone’ land.

Direction 6.2 Reserving Land for Public Purposes

Items 1 and 2 in the Planning Proposal are consistent with this direction as the proposal does not seek to create, alter or reduce existing land reserved for public purposes.

The items within this Planning Proposal are consistent with all other Section 117 directions.

Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The land is a narrow strip of “residual” rural land between the Murrumbidgee River and the Sturt Highway, which because it is located in a flood plain, contains little vegetation and no significant trees. The changes will not affect any critical habitat or threatened species, populations or ecological communities or their habitats. These other items do not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

9. Are there any other likely environmental affects as a result of the planning proposal and how are they proposed to be managed?

There are no other known environmental affects that could arise from the Planning Proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal cannot be expected to anticipate the impact of the proposal on the longer term land use of adjacent land.

Section D – State and Commonwealth Interests.

11. Is there adequate public infrastructure for the planning proposal?

The detailed sewer investigation accompanying the application substantiates that appropriate, significant upgrade will occur locally to accommodate the scale of development resulting from the rezoning.

12. What are the views of the State and Commonwealth?

The former Roads and Traffic Authority has been involved in earlier informal discussions in relation to the former rezoning proposal mentioned previously. These discussions informed the current RPS study for the subject land.

Apart from that, no State or Commonwealth public authorities have been consulted in the process of preparing this Planning Proposal. However, consultation will occur as directed by the Gateway Determination.

PART 4 – COMMUNITY CONSULTATION

A detailed community consultation strategy has been prepared in relation to the proposed zoning of both sides of the Sturt Highway at Gumly Gumly and information has already been provided to Wagga Wagga City Council Councillors in the matter. However, any further requirements for community consultation will remain at the discretion of the Department of Planning and Infrastructure as allowed for at the time of gateway determination.