

## Planning and Assessment

IRF19/6281

### Gateway determination report

<b>LGA</b>	Wagga Wagga
<b>PPA</b>	Wagga Wagga City Council
<b>NAME</b>	Part lot 6013 DP1209232 Rainbow Drive, Estella, rezoning from RE1 (Public Recreation) to B2 (Local Centre) (0 homes, 0 jobs)
<b>NUMBER</b>	PP 2019 WAGGA 009 00
<b>LEP TO BE AMENDED</b>	Wagga Wagga LEP 2010
<b>ADDRESS</b>	Rainbow Drive, Estella
<b>DESCRIPTION</b>	Part Lot 6013 DP1209232
<b>RECEIVED</b>	Adequacy date 16 September
<b>FILE NO.</b>	EF19/26639
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

Council's proposal seeks to rezone approximately 2500m<sup>2</sup> of vacant land from RE1 (Public Recreation) to the B2 (Local Centre) zone to allow for the development of a commercial premises involving both the subject land, and existing adjacent B2 zoned land adjacent land to the north.

### 1.2 Site description

The subject land represents Part of Lot 6013 DP1209232 Rainbow Drive, Estella. The site is largely clear of all vegetation and sits close to the top of a ridgeline. The broader lot comprises a mix of land zones, the majority of which is undeveloped R1 (General Residential), and areas of RE1 (Public Recreation). See **Figure 1**.



Figure 1 - Aerial photograph of the subject area (Source: Nearmap)

### 1.3 Existing planning controls

The subject land is currently zoned RE1 (Public Recreation) under the Wagga Wagga LEP 2010 (See Figure 2). RE1 does not permit development for the purposes of a commercial retail centre.

The land is also identified for acquisition on the Land Reservation Acquisition Map in the LEP.

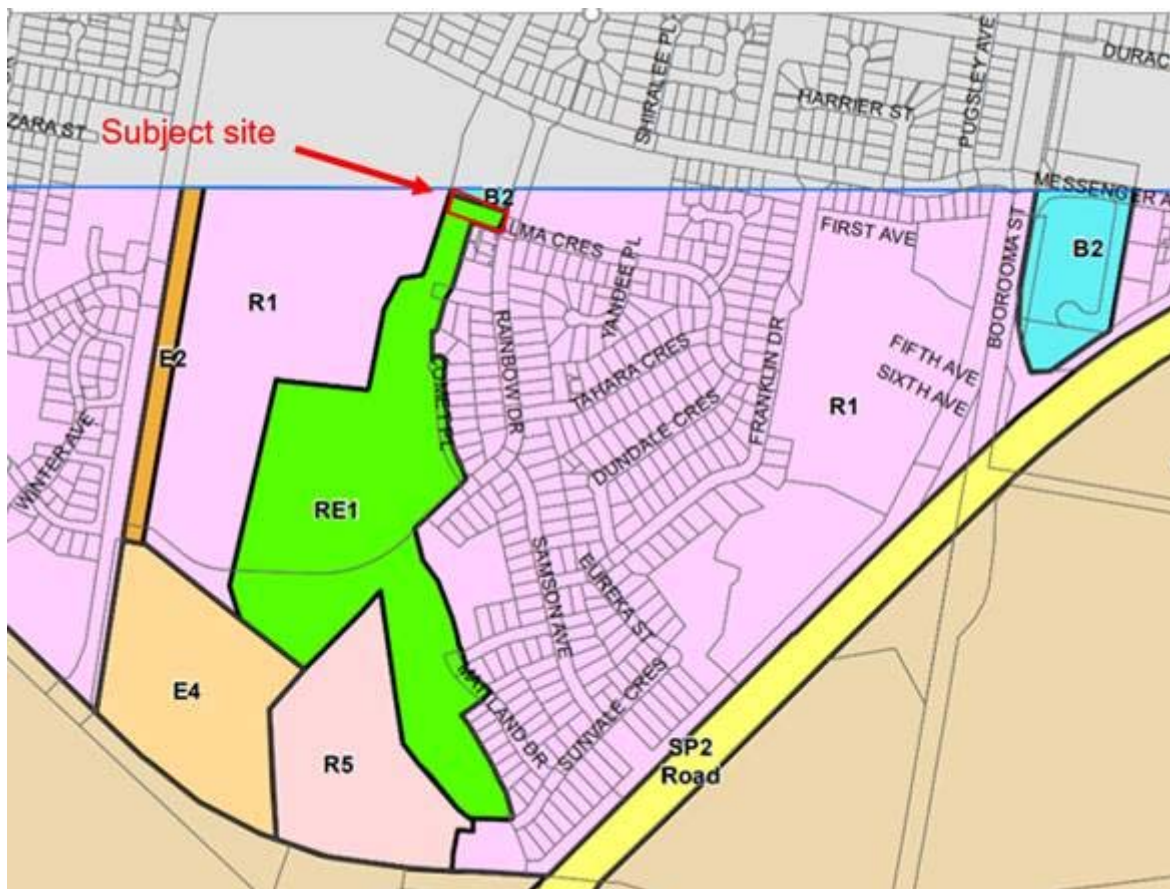


Figure 2 – Current Land Zoning Wagga Wagga LEP 2010 (Source: legislation.nsw.gov.au)



### 1.4 Surrounding area

The subject land is located in an area characterised by existing developed, developing and undeveloped residential land on all sides. An extensive area of land zoned for public open space, including the subject site characterises the ridgeline running north south through the area. Undeveloped land is largely cleared of all vegetation. These features can be seen in figure 3 below.

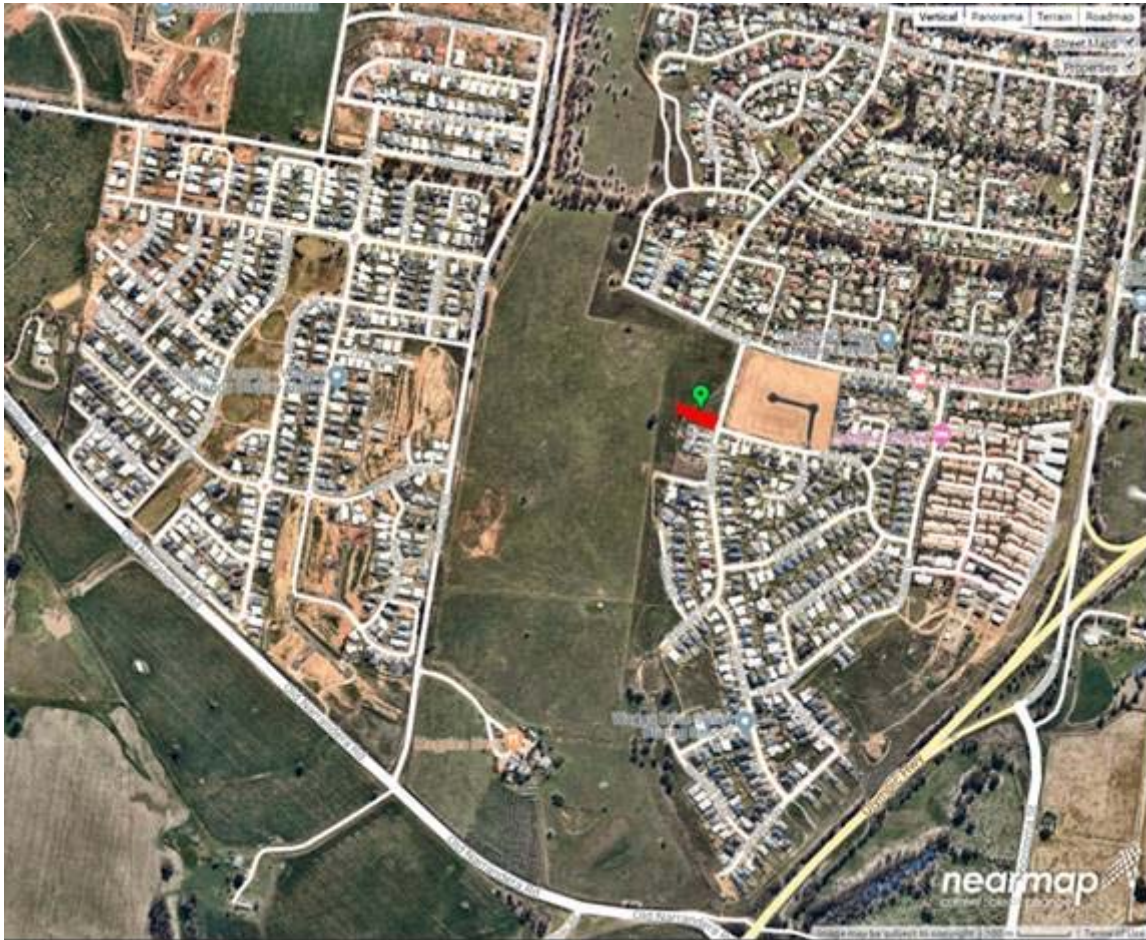


Figure 3. Surrounding Area (Source: Nearmap)

### 1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to the following conditions;

- The planning proposal is to be updated prior to community consultation to incorporate the addendum prepared by Council (outlining justification, community consultation and project timeline);
- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 12 months

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The intended outcome of Council's proposal is to provide an area of appropriately zoned land of sufficient size to develop a commercial local centre on the corner of Avocet and Rainbow Drives in Estella. This would provide for a local centre servicing

Estella, Charles Sturt University Campus and surrounding suburbs, thus reducing reliance on travelling to Wagga Wagga.

The proposal is considered clear in what it seeks to achieve in delivering local retail outcomes, reducing traffic and the reliance on residents to travel greater distances to access grocery and other retail services in Wagga Wagga.

## **2.2 Explanation of provisions**

Council has identified the following changes to the Wagga Wagga LEP 2010;

- Amend the Land Zoning Map – Sheet LZN\_003 to show the subject land as B2 Local Centre.
- Amend the Land Reservation Acquisition Map – Sheet LRA\_003B to remove the Local Open Space (RE1) designation over the subject land.

The proposal is considered to clearly identify the provisions proposed for amendment.

## **2.3 Mapping**

The planning proposal contains appropriate mapping to allow for the purposes of community consultation. Final LEP mapping will need to be prepared by Council following community consultation to allow the LEP amendment to be finalised.

## **3. NEED FOR THE PLANNING PROPOSAL**

The planning proposal states that the proposal represents a minor extension of the adjoining B2 zone to provide an adequately sized parcel of land for future commercial development on the corner of Avocet and Rainbow Drives in Estella.

A planning proposal is the only mechanism to facilitate the intended outcomes by rezoning the subject land to the same as the adjacent B2 (Local Centre), where commercial developments are permitted with Council consent. The current RE1 (Public Recreation) zone does not permit this type of development.

## **4. STRATEGIC ASSESSMENT**

### **4.1 State**

NSW State planning framework is not relevant to this planning proposal given the nature and small scale of what is proposed.

### **4.2 Riverina Murray Regional Plan 2036**

Land within the Wagga Wagga LGA is subject to the Riverina-Murray Regional Plan 2036. The planning proposal states that it is consistent with the following Directions of the Regional Plan;

- Direction 4 (Promote Business activities in industrial and commercial areas),
- Direction 21 (Align and protect utility infrastructure investment and
- Direction 22 (Promote the growth of regional cities and local centres).

These directions are considered relevant to determining the strategic merit of the planning proposal. The proposal represents a rezoning of land to provide minor extension to an existing parcel of B2 zoned to provide for the development of a local centre. The subject site is located in a well serviced, developing residential area previously identified for future growth by Council.

The proposal is therefore considered to be consistent with the Regional Plan.

### 4.3 Local

The proposal is not the result of any specific strategic study or report, however Council's draft 'Northern Growth Area Structure Plan' identified the adjacent B2 zoned land on the corner of Avocet and Rainbow Drives for a local centre.

Council have indicated that the proposal is consistent with draft plans for the area, acknowledging that the area is growing rapidly and there is a real demand for commercial development to service the new residential areas.

The proposal is considered to support the objectives of the Wagga Wagga Spatial Plan 2013/2043 in facilitating development of a prosperous city, support viable neighbourhood centres and providing flexible opportunities and appropriate locations for establishing new centres. It also supports key actions including developing commercial precincts to facilitate future development and reviewing neighbourhood centre zones to ensure they reflect specific needs of neighbourhoods.

The Wagga Wagga Retail Growth Strategy (2010-2025) advocates the establishment of a local centre in the Estella/Barooma locality, based on population growth and demand. Council's figures show significant, rapid population growth in this area and the development of a local centre is now considered overdue having regard to this Strategy.

It is considered that the planning proposal is consistent with the above discussed strategies.

### 4.4 Section 9.1 Ministerial Directions

The proposal identifies the following applicable Directions. Included is a summary of Council's assessment of consistency, and where required, the Department's comment;

#### 1.1 Business and Industrial Zones

This Direction does apply to the planning proposal as it will affect land within a proposed business zone.

The planning proposal is considered to be consistent with this direction as it protects existing employment and business zoned land. The planning proposal states that the planning proposal encourages employment growth and will protect existing business zones, will not decrease existing business zones or potential floorspace.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction as Council seek to increase the business zone area.

#### 2.1 Environmental Protection Zones

This Direction does apply to the planning proposal as it applies when a planning proposal is prepared.

The planning proposal states that the rezoning is consistent with the direction as it does not involve land identified as environmentally sensitive.

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

### 2.3 Heritage Conservation

This Direction does apply to the planning proposal as it applies when a planning proposal is prepared.

The planning proposal is considered to be consistent with the direction as the planning proposal has stated that it does not affect existing provisions within the WWLEP relating to the protection of known European and Aboriginal heritage.

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

### 2.4 Recreational Vehicles

The planning proposal has identified the direction as being applicable. However, it does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the Recreation Vehicles Act 1983. It is therefore considered that the direction does not apply to the planning proposal.

### 3.2 Caravan Parks and Manufactured Homes

This Direction does apply to the planning proposal as it will affect land or provisions relating to caravan parks or manufactured home estates.

The proposal is inconsistent with the Direction as caravan parks will no longer be permitted on the subject land under the proposed B2 zone. Council has formed the opinion that the inconsistency is of 'minor significance' given the subject land is just 2500m<sup>2</sup>.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal inconsistency with this Direction is of a minor significance, based on scale, notes the residential and commercial zonings surrounding, and that the site has not historically been used for caravan park or related activities.

### 3.3 Home Occupations

The planning proposal has identified the direction as being applicable. However, it does not apply to the planning proposal as it will not affect land or provisions relating to the permissibility of home occupations in dwelling houses.

### 3.4 Integrating Land Use and Transport

This Direction does apply to the planning proposal as it will create a zone relating to urban land.

The proposal seeks to provide larger scale commercial development involving adjacent existing B2 zone land. Area characterised by sufficient recreational facilities, access to public transport etc.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction. Acknowledging that the proposal represents a minor extension to an existing B2 zone in an area characterised by, and planned for future, urban expansion. Required infrastructure is in place and the provision of appropriately sized commercial development in the area that is well catered for regarding transport networks is considered appropriate.

### 5.1 Implementation of Regional Plans



The Direction applies to the planning proposal as it affects land subject to the Riverina Murray Regional Plan 2036.

As identified above (4.2) the planning proposal has considered the relevant Directions in the Riverina Murray Regional Plan 2036.

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

## 6.2 Reserving Land for Public Purposes

This Direction does apply to the planning proposal as it will create/alter/reduce existing zonings or reservations of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

The proposal is inconsistent with the Direction as it will reduce the area of land zoned for public recreation and identified for acquisition by Council. Council believes the small, 2500m<sup>2</sup> size of the subject land is "inconsequential" in the supply of public open space noting the extent of RE1 zone land in the surrounding area.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal inconsistency with this Direction is of a minor significance. The proposed loss of land zoned for public recreation and identified for acquisition, and the remaining adjacent RE1 zoned land covers approximately 15Ha in area. The proposed rezoning would therefore result in a reduction of less than 2% and is therefore considered to be a minor inconsistency based on scale.

## **4.5 State environmental planning policies (SEPPs)**

The proposal has identified a number of SEPP's that are applicable to the proposal, however largely, the proposal will not conflict or affect the provisions of these SEPPs. Below discusses SEPP's where further consideration was required.

SEPP 55 – Remediation of Land: As the proposal involves change of use for land previously used for agriculture, the SEPP applies. The planning proposal, which states the historical low scale, cropping and grazing use of the land, and with no visible evidence of sites used for activities likely to cause soil contamination, has concluded that contamination is unlikely.

Council has therefore considered whether the land is contaminated based on its current and known historical use and is satisfied that the planning proposal can proceed. Accordingly, the planning proposal is consistent with the requirements of SEPP 55.

## **5. SITE-SPECIFIC ASSESSMENT**

### **5.1 Social**

The proposal is expected to assist in facilitating the development of a suitably sized commercial centre that will provide residents of Estella and surrounding suburbs with choice and remove the reliance to commute to Wagga Wagga for daily/weekly shopping needs. Such a development would be anticipated to have positive social benefits given opportunities for local shopping, employment etc.

It is noted that this will be at the cost of a relatively minor reduction in public open space zoned land, however significant adjacent and nearby public open space land is being retained.

## **5.2 Environmental**

The subject land has historically been used for low intensity agriculture, has been cleared and contains only pasture grasses. No impact upon biodiversity, threatened species or habitat is expected.

The subject land is not affected by important environmental values, cultural or heritage significance, or natural hazards.

The proposal, representing a minor extension to the adjacent B2 local centre zone, is adjacent to a newly developed/developing residential area. Any impacts on amenity etc will be able to effectively be managed appropriately through a subsequent development application process.

## **5.3 Economic**

The proposal, facilitating the development of commercial centre on land adjacent to and including the subject land is expected to have a positive economic impact for the area, providing construction and ongoing employment opportunities. Further, reducing travel time and cost for residents currently travelling further distances to undertake daily/weekly shopping. It is considered that existing local infrastructure will be sufficient to service the proposed development, with no significant upgrades expected to be required.

## **5.4 Infrastructure**

The provision of state infrastructure is not relevant to this planning proposal.

# **6. CONSULTATION**

## **6.1 Community**

Council has proposed a 28 day exhibition period.

The Regional Office considers this an appropriate period for a proposal of this type.

## **6.2 Agencies**

Council has not proposed any agency consultation.

Given the nature of the subject land, the small scale of rezoning proposed, the compatibility with surrounding land uses, and an adequate existing provision of infrastructure and services, consultation with agencies is not considered necessary.

# **7. TIME FRAME**

Council has indicated the LEP can be completed by March 2020 (6 months).

It is recommended that the timeframe for completing the LEP be 12 months to allow a buffer period should any unforeseen circumstances arise.

# **8. LOCAL PLAN-MAKING AUTHORITY**

Council has requested to be the local plan making authority under section 3.36 of the Environmental Planning and Assessment Act 1979.

Due to the local/low impact nature of planning proposal, it is recommended that Council's request is supported.



## 9. CONCLUSION

The planning proposal is supported to proceed.

The proposal seeks to facilitate the development of a larger footprint commercial centre than would otherwise be possible on the existing B2 zoned land adjacent. The provision of land appropriately sized to attract private investment in a local centre is important in providing for the growing residential area that surrounds.

## 10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 3.2 Caravan Parks and Manufactured Homes and 6.2 Reserving Land for Public purposes are minor or justified

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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making to make this plan.
4. The planning proposal is to be updated prior to community consultation to incorporate the addendum prepared by Council.



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