

**RP-1      DRAFT PLANNING PROPOSAL (LEP19/0006) TO REZONE LAND ON THE CORNER OF AVOCET DRIVE AND RAINBOW DRIVE, ESTELLA**

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**Director:**    Michael Keys

**Summary:**      Council is in receipt of a planning proposal (LEP19/0006) to rezone land to increase development potential of a neighbourhood shopping centre site, located on the corner of Avocet Drive and Rainbow Drive, Estella.

                         An assessment of the application concluded that the planning proposal may proceed and the recommendation is to request a Gateway Determination from NSW Department of Planning, Industry and Environment.

**Recommendation**

That Council:

- a    support planning proposal LEP19/0006 and the Council addendum to amend the Wagga Wagga Local Environmental Plan 2010
- b    submit planning proposal LEP19/0006 to the NSW Department of Planning, Industry and Environment for Gateway Determination
- c    receive a further report after the public exhibition period:
  - i    addressing any submissions made in respect of planning proposal LEP19/0006
  - ii   proposing adoption of the planning proposal LEP19/0006 unless there are any recommended changes deemed to be substantial and requiring a further public exhibition period

**Application Details**

**Applicant:**              Paul Eady for Graceland Estate Pty Ltd

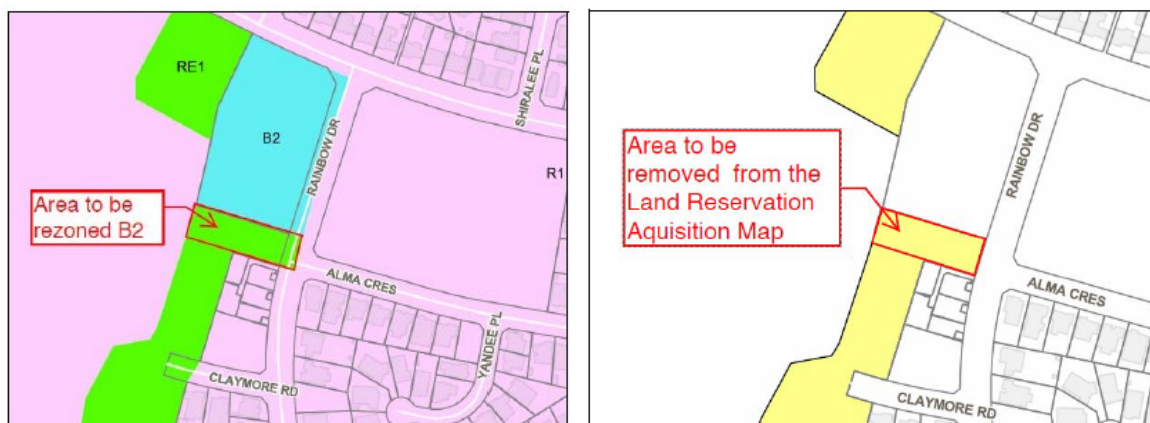
**Land Owners:**        Gracelands Estates Pty Ltd.  
                                 Director: Juha Eerik Alatalo  
                                 Director: Antti Kullervo Alatalo  
                                 Director: Anni-Ilona Alatalo

**Proposal**

Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP2010) to increase development potential of a neighbourhood shopping centre site (Lot 6012 DP 1209232), located on the corner of Avocet Drive and Rainbow Drive, Estella.

The proposal seeks to rezone approximately 2500sqm of land on Lot 6013 DP 1209232 from RE1 Public Recreation to B2 Local Centre and also to remove the Land

Reservation Acquisition Layer applicable to the same portion of land as per the illustration below.



Further details are provided in the attached application and Council's assessment report.

## Key considerations

### 1. Demand

The northern suburbs of Wagga Wagga (those being Boorooma, Estella, Gobbagombalin) are bounded by the Olympic Highway to the east, Coolamon Road to the north, Old Narrandera Road to the south and Charles Sturt University to the west. This area is among the fastest growing residential areas within the city and is planned to receive significant growth in the future. It is also the second fastest growing suburb in the State. Even though there are two zoned business sites, the sites remain vacant, and there is no centre to serve the needs of the community living in Boorooma, Estella, Gobbagombalin. The proposal intends to facilitate a larger development site to increase the feasibility of establishing a neighbourhood centre in the locality.

### 2. Land use strategies underway

Council is currently in the process of reviewing and developing new land use strategies for the city. One of the key documents being developed is the Wagga Wagga Local Strategic Planning Statement (LSPS). This document considers the communities aspirations and provides a blueprint for how and where we want Wagga Wagga to grow into the future.

Council is also in the process of developing a Northern Growth Area Structure Plan. The Plan will support the LSPS and will identify areas suitable for additional housing. The plan will direct improvements to the existing neighbourhoods of Boorooma, Estella and Gobbagombalin. This includes items such as the realignment of roads, open space networks and zoning to ensure improved urban and environmental outcomes. It will provide additional housing opportunities within zoned residential lands in the existing neighbourhoods. The plan will also encourage a larger development site to increase the feasibility of establishing a neighbourhood centre in the locality to serve the needs of the community living in Boorooma, Estella, Gobbagombalin.

The proposal is consistent with the objectives of the LSPS and Northern Growth Area Structure Plan currently being drafted and will facilitate development through providing the opportunity of a larger neighbourhood center on an existing business site to address specific needs of the community.

### **3. Consistency with endorsed strategic directions**

The planning proposal is consistent with the objectives the Wagga Wagga Spatial Plan 2013/2043 *to facilitate development of a prosperous city and to support viable neighbourhood centres*. The planning proposal is also consistent with Council's Wagga Wagga Retail Growth Strategy for 2007 which advocated for the establishment of a local centre in the Estella and Boorooma neighbourhoods based on the demand generated by the projected population of the area.

The proposal is also consistent with the recommendations of the Riverina Murray Regional Plan 2036, Section 9.1 Ministerial Directions as well as all relevant State Environmental Planning Policies.

### **Conclusion**

The planning proposal has been considered in respect to the benefits to the community and the matters discussed in this report are all reflections of the public interest and community expectations through strategic direction and policy guiding documents. Taking into account the full range of matters that have been considered as part of this assessment, it is considered that the proposal is reasonable and in the public's interest. The proposal is supported for the following reasons:

1. The proposal will facilitate the development of a neighbourhood centre to address the needs of the community.
2. It complies with the provisions of draft and endorsed strategic documents, including Riverina Murray Regional Plan 2036 and Wagga Wagga Spatial Plan 2013 -2043.
3. It meets all relevant Section 9.1 Ministerial Directions
4. Addresses all applicable State Environmental Planning Policies.

### **Financial Implications**

The planning proposal was submitted during the 2018/19 financial year and attracted a low complexity application fee of \$7,500. The application fee has been paid.

Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 / Levy Contributions Plan 2006 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The Section 7.11 and Section 64 contribution applies and will apply to any future development consent on the land. The proponent also has the opportunity to enter into a planning agreement, however at the time of this assessment, no request has received to enter into an agreement.

## Policy and Legislation

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

## Link to Strategic Plan

## The Environment

Objective: We plan for the growth of the city

Outcome: We have sustainable urban development

## Risk Management Issues for Council

An approval of the proposal may be subject to public scrutiny during the public consultation period and may put additional pressure on Council to rezone land for commercial purposes.

Refusal of the application may result in an appeal process. The applicants have the ability to appeal Council's decision by submitting the planning proposals to the Department of Planning, Industry and Environment through a pre-Gateway review process. The reasons for refusal will have to be justified and withstand scrutiny and cross-examination.

## Internal / External Consultation

A cross-directorate internal referral occurred. The proposal is supported in principle. A summary of the comments received with Council's response is provided in the attached assessment report

Formal public consultation with adjoining land owners, the general public and referral agencies will occur after the Gateway Determination. This will include consultation with the Estella Progress Association.

Proposed consultation methods are indicated in the table below.

Mail			Media			Community Engagement					Digital					
Rates notices insert			Council news story	Council News advert	Media releases	TV/radio advertising	One-on-one meetings	Your Say website	Community meetings	Stakeholder workshops	Drop-in sessions	Surveys and feedback forms	Social media	Email newsletters	Website	Digital advertising
Direct mail																
Letterbox drop																

TIER															
Consult			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>										<input checked="" type="checkbox"/>

## Attachments

1. LEP19.0006 Council assessment report
2. LEP19.0006 Draft Planning Proposal lodged by applicant