

PLANNING PROPOSAL

Rezoning of Land on the Sturt Highway, Gumly Gumly from RU1 Primary Production, RE1 Public Recreation and B1 Neighbourhood Centre 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:

Rezone Land north and south of the Sturt Highway, Gumly Gumly, as shown in Attachment A from RU1 Primary Production, RE1 Public Recreation and B1 Neighbourhood Centre 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, RE1 Public Recreation and B1 Neighbourhood Centre, and by replacing it with the colour indicating the B6 Enterprise Corridor zone. The subject land forms part of a larger B6 Enterprise Corridor precinct on the Sturt Highway.

The rezoning of the northern portion of the larger B6 Enterprise Corridor precinct received Gateway determination on 2 November 2012.

The minimum lot size map will be amended by removing the minimum lot size applicable to the existing RU1 Primary Production zone. The proposed B6 Enterprise Corridor precinct will not be assigned a minimum lot size.

Note: Part of the proposal is to rezone 5 lots of RE1 Public Recreation land north of the Sturt Highway to a B6 Enterprise Corridor Zone. As stated in the Section 117 Directions this land is privately owned land and as such these sites do not require a reclassification.

PART 2 – EXPLANATION OF PROVISIONS

Amend the WWLEP 2010 as set out below:

Amend the WWLEP 2010 land zoning map as shown in attachment A. Attachment A shows the extent of the adjusted zone boundaries from RU1 Primary Production, RE1 Public Recreation and B1 Neighbourhood Centre to B6 Enterprise Corridor.

Amend the WWLEP 2010 Minimum Lot Size map as shown in attachment B. Attachment B shows the adjusted Minimum Lot Size from 200 hectares to no minimum lot size for the B6 Enterprise Corridor zone.

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 and further detailed study has been undertaken in relation to north side sites. It is also subject to the findings of the Industrial Land Use Study 2006 where further reference is provided within Section B Part 6 of this report.

The proposal is also consistent with the draft Spatial Plan 2013-43. The draft Spatial Plan identifies that *"vacant land with highway frontage is in demand"*, and identifies the subject site in addition to the site subject to the Gumly North planning proposal as land identified as potential employment land. Although the draft Spatial Plan recommends a Retail Strategy be prepared for any additional employment uses, these subject areas are already identified within the draft Spatial Plan in anticipation of Gateway approval and the likelihood of gazettal of the rezonings.

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 in 2009, but the 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 recent approach to Council sought rezoning of the land to B6 Enterprise Corridor rather than the initial IN2 proposal. This was the subject of the Planning Proposal that received Gateway determination for the northern portion of Council's proposed larger B6 Enterprise Corridor precinct on the Sturt Highway. The investigations for the northern section extend to the Gumly Gumly precinct

The land was identified as flood prone land under the Wagga Wagga Floodplain Risk Management Plan, May 2009. In accordance with the Department of Planning and Infrastructure request that additional flood study was required in relation to the subject land, WMA Water was commissioned on the basis of its capability to review the findings of its Floodplain Risk Management Plan, which is attached to the Planning Proposal. The NSW Office of Water have undertaken a re-examination of the rating curve. This information will be provided to Council for remodelling.

On request of the Department of Planning and Infrastructure for additional study into the Bush Stone-curlew a bio diversity assessment was undertaken by NGH Environmental.

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 (including the lots north of the Sturt Highway that are currently being rezoned to B6 Enterprise Corridor following Gateway determination on 2 November 2012) 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, 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 an 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.

Part of the highway frontage land north of the Sturt Highway is currently zoned as RE1 Public Recreation with one lot as B1 Neighbourhood Centre. This part of the site was considered part of the 'village green' but lots along the highway (mainly dwellings) are

better suited included in the Enterprise Corridor precinct as gateway to the city. The remaining section of the RE1 Public Recreation zone serves as public park / sporting facility for the locality of Gumly Gumly. The current zoning reflects the public use even though the land is privately owned.

Section B – Relationship to strategic planning framework

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

The planning proposal is consistent with the Riverina Regional Action Plan (December 2012) and is relevant to priority 1 – Support economic growth (NSW 2021 Goal 3 – Drive economic growth in regional NSW).

The objective of the land use change of the land on both sides of the Sturt Highway at Gumly Gumly is to allow for the development of an Enterprise Corridor at the eastern entrance to Wagga Wagga with potential future functional links with the airport precinct and the Bomen Industrial area.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

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 Waga. 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.

5. 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.

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

Direction 1.1 Business and Industrial Zones

The planning proposal is inconsistent with this direction because new employment areas must be justified by a Strategy approved by the Director General.

The RPS Study dated 10 January 2012 and submitted as part of the Gumly North planning proposal references studies including the Wagga Wagga Industrial Land Use Study 2006 and a Market Needs Assessment prepared by Macroplan. The results of this study can be applied to the subject planning proposal in that the land is underutilised and well located business and industrial uses. Therefore the inconsistency is of minor significance.

The Industrial Land Use Study 2006 identifies that “*Wagga Wagga is experiencing demand for industrial land demand from emerging wholesale and other service related business*”. This is also confirmed within the draft Spatial Plan, as identified in Section A Part 1 of this report.

The Study also states that the East Wagga Wagga area which includes the area subject to this proposal, *“enjoys a number of attributes including proximity and rapid travel times into the CBD and also the airport. It is along a major highway and the major road and enjoys significant visual exposure between the CBD and airport* (These attributes were clearly recognised by the ‘Masters’ business owners in recently opening a major store on a large tract of the available industrial zoned land on the highway in East Wagga Wagga). *Despite these benefits there is a considerable area that is flood affected”*. It is considered that these flood-related issues can be mitigated as discussed in this planning proposal and confirms the suitable location for this type of use.

Direction 1.2 Rural Zones

The Planning Proposal 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.

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.

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

The Proposal 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 RPS study prepared for the current Gumly North planning proposal 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".

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

The Planning Proposal 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 Flood Impact Assessment by WMA Water identifies this area as suitable for development as proposed form of development on the southern and northern side of the highway and that appropriate land raising would result in only minor flood impacts and only minor changes to flood risk. The land subject of this Planning Proposal is consistent with Option 2 for the development area considered for land raising. Although the impact extent is much the same as Option 1, the increases in flood levels are less. In addition, the design flood results of the Wagga Wagga Major Overland Flow Study indicate that the area south of the highway is liable to flooding following intense rainfall (1% AEP event). The approximate flood extends show partial inundation of the area which corresponds with the portion of land that is not included in this Planning Proposal.

The provisions of the B6 Enterprise Corridor zone will ensure that only low impact commercial development will occur within the proposed B6 precinct. As a result, the form of proposed development can proceed and the provisions of the Planning Proposal that are inconsistent are of minor significance.

Furthermore the proposed rezoning encourages redevelopment of existing premises for land uses that result in less vulnerability to life as a result of flood risk. Through planning controls it is also easier to impose requirements for flood plans and evacuations from commercial and industrial uses. In relation to these specific uses, floor level controls can be used to reduce flood damage and commercial and industrial properties can also be required to be flood proofed.

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

The Planning Proposal is 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.

7. 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.

Furthermore, a biodiversity assessment, undertaken at the request of the Department of Planning and Infrastructure, with reference to the presence of the Bush Stone-curlew (NGH Environmental, August 2012) determined that no breeding habitat is considered present due to the past, present and likely future disturbance and land-use regimes. The site is unlikely to provide any potential habitat for the Bush Stone-curlew.

8. Are there any other likely environmental effects 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.

9. Has the planning proposal adequately addressed any social and economic effects?

The economic impact of the Planning Proposal has been considered and allows for better use of the land without impacting on existing retail hierarchy. 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.

Section D – State and Commonwealth Interests.

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

The detailed sewer investigation accompanying the current Gumly North planning proposal substantiates that appropriate, significant upgrade will occur locally to accommodate the scale of development resulting from the rezoning. The locality can otherwise be connected to other utility services.

This approach will also apply for the subject planning proposal.

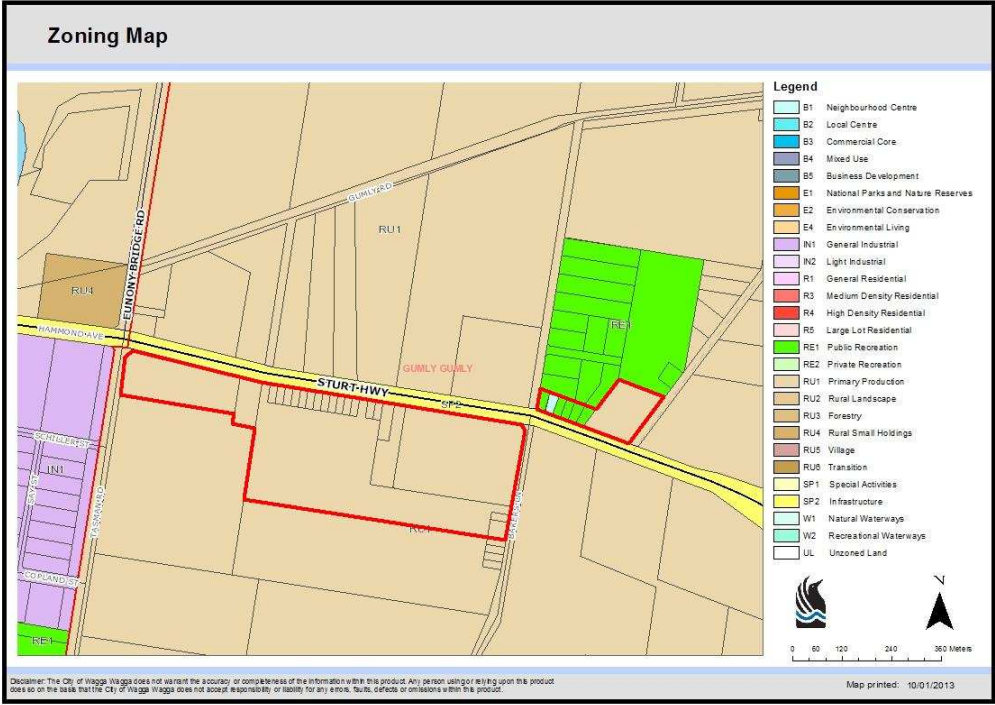
12. What are the views of the State and Commonwealth public authorities?

The former Roads and Traffic Authority (now Roads and Maritime Services) has been involved in earlier informal discussions in relation to the former rezoning proposal mentioned previously. These discussions informed the existing RPS study for the Gumly North planning proposal.

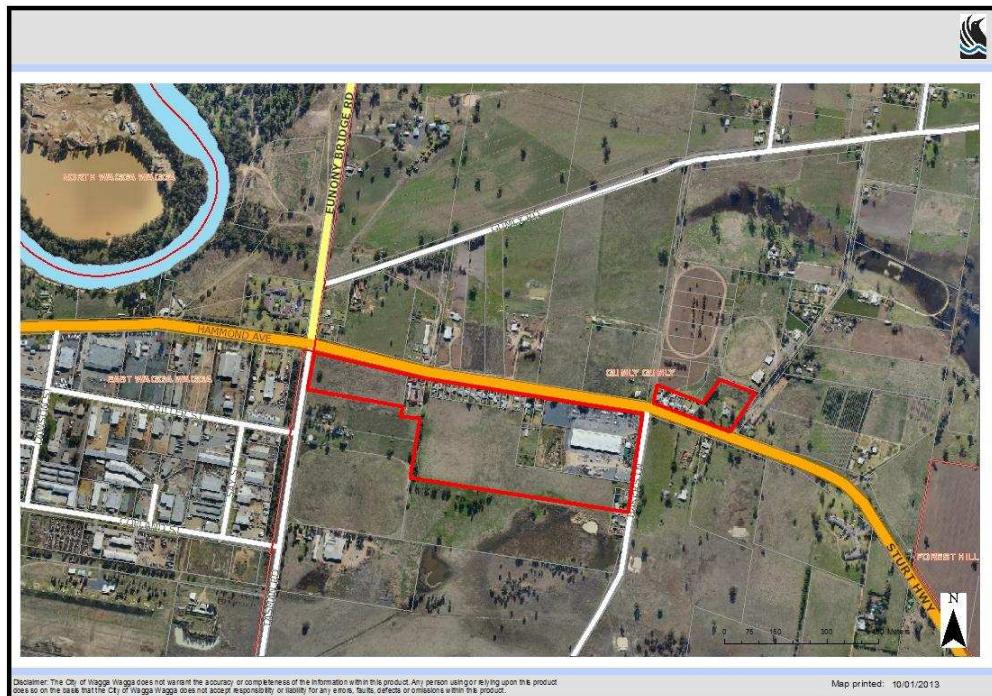
Apart from that, no State or Commonwealth public authorities have been consulted in the process of preparing this Planning Proposal. However, consultation will occur as directed by the Gateway Determination.

PART 4 – MAPPING

Current Land Use:

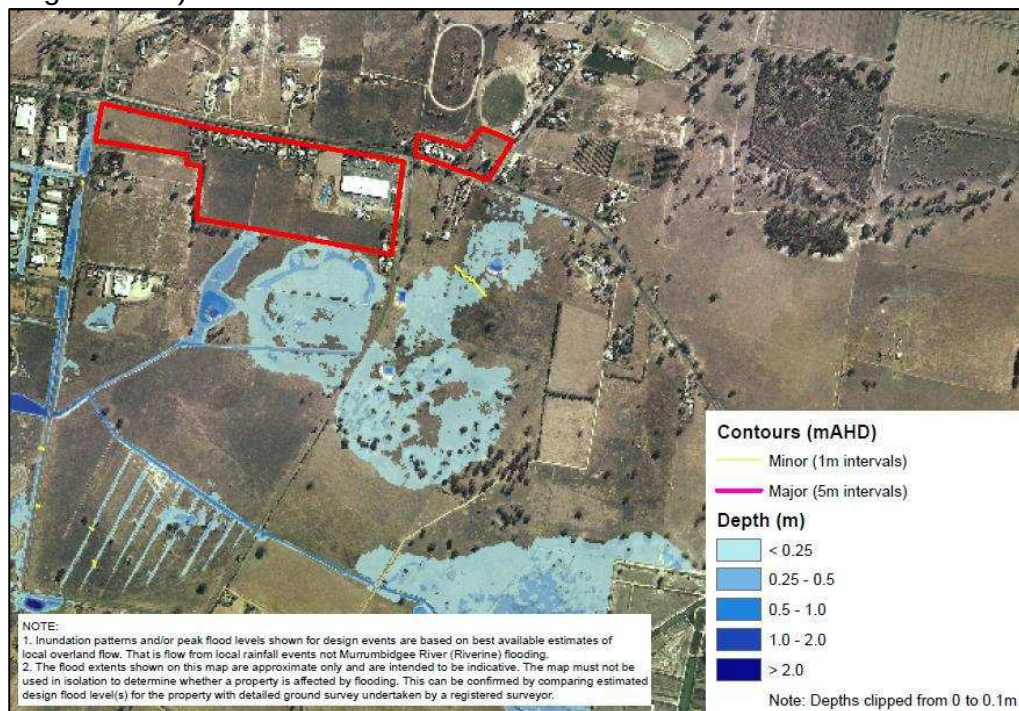


Aerial photograph (June 2012):



The land subject to the Planning Proposal is shown on the WWLEP 2010 land zoning map in attachment A and the WWLEP 2010 Minimum Lot Size map as shown in attachment B.

Flood depth and contours 1% AEP Design Flood (Major Overland Flow Flood Study, August 2011):



Relevant maps illustrating the flood impacts are included in the accompanying Flood Impact Assessment by WMA Water.

PART 5 - 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. Public Exhibition of the Planning Proposal for at least 28 days will commence when advised that the proposed rezoning should proceed. 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.

The Planning Proposal for the zoning of the northern portion of the proposed Enterprise Corridor precinct was on Public Exhibition until 8 February 2013.

PART 6 – PROJECT TIMELINE

STAGE	TIMING
Anticipated commencement date	May 2013
Anticipated timeframe for completion of required technical information	June 2013
Timeframe for government agency consultation	July 2013
Commencement and completion dates for public exhibition period	July 2013
Dates for public hearing	N/A
Timeframe for consideration of submissions	August 2013
Timeframe for consideration of a proposal post exhibition	August 2013
Date of submission to the department to finalise the LEP	September 2013
Anticipated date RPA will make the plan	September 2013
Anticipated date RPA will forward to the department for notification	September 2013