

## Planning and Assessment

### Gateway determination report

<b>LGA</b>	Wagga Wagga
<b>PPA</b>	Wagga Wagga City Council
<b>NAME</b>	Rezone land at Pearson Street, Wagga Wagga from RE1 Public Recreation and B5 Business Development to B5 Business Development and SP2 Infrastructure Zone (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2019_WAGGA_012_00
<b>LEP TO BE AMENDED</b>	Wagga Wagga LEP 2010
<b>ADDRESS</b>	64 Pearson Street, Wagga Wagga
<b>DESCRIPTION</b>	Part Lot 1 DP 798753 Lot 1 DP 567236
<b>RECEIVED</b>	29 November 2019
<b>FILE NO.</b>	IRF20/128
<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

The planning proposal seeks to rezone land at 64 Pearson Street, Wagga Wagga from RE1 Public Recreation and B5 Business Development to B5 Business Development and SP2 Infrastructure Zone.

### 1.2 Site description

The site is situated at the corner of the Sturt Highway and Pearson Street, Wagga Wagga.

As shown in **Figure 1**, the site comprises two lots. Lot 1 DP 798753 is used by a building supplies business while Lot 1 DP 567236 is occupied by a sewer pump station.



**Figure 1: Aerial photograph of the site**

Source: maps.six.nsw.gov.au

### **1.3 Existing planning controls**

The portion of the site proposed to be rezoned is zoned part RE1 Public Recreation and part B5 Business Development under the Wagga Wagga LEP 2010.

### **1.4 Surrounding area**

As shown in **Figure 2**, the site is within an existing employment area at the western edge of the city of Wagga Wagga.

The surrounding area consists primarily of land zoned for employment generating uses with access to regionally significant transport corridors.



**Figure 2: Aerial photograph of the site and surrounding area**

Source: maps.six.nsw.gov.au

### 1.5 Summary of recommendation

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

- 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 the planning proposal is to ensure the site is zoned in accordance with the primary use of the land.

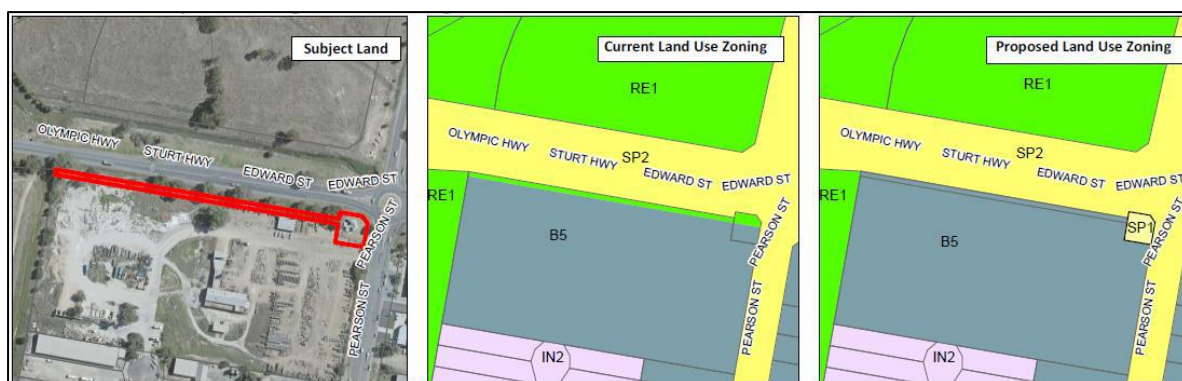
### 2.2 Explanation of provisions

The planning proposal seeks to achieve the intended outcome by amending Wagga Wagga LEP 2010 Land Zoning Map LZN\_003C to:

- Rezone part of Lot 1 DP 798753 from RE1 Public Recreation to B5 Business Development; and
- Rezone Lot 1 DP 567236 from part RE1 Public Recreation and part B5 Business Development to SP2 Infrastructure Zone.

**Figure 3** Illustrates the proposed amendments to the Land Zoning Map.





**Figure 3: Existing and proposed Land Zoning Map**

Source: Wagga Wagga City Council

## 2.3 Mapping

The planning proposal includes maps which illustrate the proposed amendments to the Land Zoning Map. The maps are considered suitable for community consultation.

## 3. NEED FOR THE PLANNING PROPOSAL

The planning proposal notes the portion of the site zoned RE1 Public Recreation was originally zoned for use as public open space to facilitate the plantation of a strip of vegetation along the northern boundary of the site. The planning proposal states that the land is no longer required for this purpose as a strip of established vegetation exists within the adjoining Sturt Highway road reserve.

The planning proposal has merit as it seeks to rezone a portion of Lot 1 DP 798753 which is no longer required for public purposes to enable the full extent of the site to be utilised in accordance with the primary use of the land.

In addition, the proposed rezoning of Lot 1 DP 567236 to SP2 Infrastructure also has merit as it seeks to appropriately zone land occupied by a sewer pump station.

The planning proposal is the best means of achieving the intended outcome as it ensures the land will be zoned in accordance with its primary use.

## 4. STRATEGIC ASSESSMENT

### 4.1 State

There is no applicable state strategic planning framework.

### 4.2 Regional / District

Land in the Wagga Wagga LGA is subject to the Riverina Murray Regional Plan 2036. The planning proposal identifies Direction 4: Promote business activities in industrial and commercial areas as applicable.

The planning proposal is consistent with the Regional Plan as it seeks to enable the full extent of the site to be developed for employment generating uses by rezoning a portion of the site no longer required for public purposes to B5 Business Development.

### 4.3 Local

The planning proposal states that it is consistent with the Wagga Wagga Spatial Plan 2013/43.

The planning proposal is consistent with the Spatial Plan as it seeks to enable the full extent of the site to be developed for employment generating uses by rezoning a portion of the site no longer required for public purposes to B5 Business Development.

#### **4.4 Section 9.1 Ministerial Directions**

##### **1.1 Business and Industrial Zones**

The planning proposal identifies Direction 1.1 Business and Industrial Zones as applicable. The direction is applicable as the planning proposal affects land within existing and proposed business zones.

The planning proposal states that it is consistent with the terms of the direction in relation to Lot 1 DP 798753 as it encourages employment growth in an existing commercial and industrial precinct by seeking to enable the full extent of the site to be developed for employment generating uses.

The planning proposal is consistent with the terms of the direction as it seeks to enable the full extent of Lot 1 DP 798753 to be utilised for employment generating uses.

**Recommendation 1:** The Secretary's delegate can be satisfied that the planning proposal, as it relates to Lot 1 DP 798753, is consistent with the terms of the direction.

The planning proposal also states that it is inconsistent with the terms of the direction in relation to Lot 1 DP 567236 as it reduces the area of land available for employment generating uses by seeking to rezone land from B5 Business Development to SP2 Infrastructure.

The planning proposal's inconsistency with the terms of the direction are of minor significance given the proposed rezoning of Lot 1 DP 567236 to SP2 Infrastructure is consistent with the use of land.

**Recommendation 2:** The Secretary's delegate can be satisfied that the planning proposal's inconsistency with the terms of the direction, as it relates to Lot 1 DP 567236, is of minor significance.

##### **3.4 Integrating Land Use and Transport**

The planning proposal does not identify Direction 3.4 Integrating Land Use and Transport as applicable. The direction is applicable as the planning proposal affects land within existing and proposed business zones.

The planning proposal is consistent with the terms of the direction as it seeks to zone land within an established commercial and industrial area with access to existing infrastructure and services in accordance with its primary use.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal is consistent with the terms of the direction.

##### **5.10 Implementation of Regional Plans**

The planning proposal identifies Direction 5.10 Implementation of Regional Plans as applicable. The direction is applicable as the planning proposal affects land subject to the Riverina Murray Regional Plan 2036.

The planning proposal states that it is consistent with the terms of the direction as it is consistent with Direction 4 of the Regional Plan.

The planning proposal is consistent with terms of the direction as it is consistent with overall intent of the Regional Plan. A full assessment of the planning proposal's consistency with the Regional Plan is provided above in the Strategic Assessment section.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal is consistent with the terms of the direction.

#### 6.2 Reserving Land for Public Purposes

The planning proposal identifies Direction 6.2 Reserving Land for Public Purposes as applicable. The direction is applicable as the planning proposal applies to land zoned for public purposes.

The planning proposal is inconsistent with the terms of the direction as it seeks to rezone land zoned for public purposes.

The planning proposal adequately demonstrates that the portion of the site zoned RE1 Public Recreation is no longer required for public purposes. Accordingly, the planning proposal's inconsistency with the terms of the direction is of minor significance.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal's inconsistency with the terms of the direction is of minor significance.

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

The planning proposal identifies the following SEPPs as applicable:

- SEPP No 55 – Remediation of Land; and
- SEPP (Infrastructure) 2007.

The planning proposal notes that Lot 1 DP 798753 and Lot 1 DP 567236 are known to have been used for purposes identified in Table 1 of the Contaminated Land Planning Guidelines.

Council has considered whether the land is contaminated based on the findings of a detailed site investigation and is satisfied that the proposed rezoning can proceed. Accordingly, the planning proposal is consistent with requirements of SEPP 55.

The provisions of SEPP (Infrastructure) 2007 are not relevant to determining the strategic merit of the planning proposal and will be considered as part of any future development application for the site.

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

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#### **5.1 Social**

The planning proposal states that negative social impacts are unlikely given the minor nature of the proposed LEP amendment. The planning proposal also states that zoning the full extent of the site in accordance with its primary use will facilitate a development outcome which will provide local employment opportunities.

The social impact of the proposed LEP amendment is likely to be minor given the intent of the planning proposal is to ensure the land is zoned in accordance with its primary use.

## **5.2 Environmental**

The portions of the site proposed to be rezoned are not identified as having significant environmental value or prone to risks associated with natural hazards.

The environmental impact of the proposed LEP amendment is likely to be minor given the intent of the planning proposal is to ensure the land is zoned in accordance with its primary use.

## **5.3 Economic**

As noted above, the planning proposal states that zoning the full extent of the site in accordance with its primary use will facilitate a development outcome which will provide local employment opportunities.

Given the site is within an existing employment area, it has access to existing infrastructure and services including reticulated water and sewer networks.

## **6. CONSULTATION**

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### **6.1 Community**

Council has stated that the planning proposal will be made publicly available for 28 days. Accordingly, it is recommended that the Gateway determination require the planning proposal be made available for community consultation for a minimum of 28 days.

### **6.2 Agencies**

Given the planning proposal seeks to rezone land in accordance with its primary use and the site is not affected by significant constraints, agency consultation is not required.

## **7. TIME FRAME**

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Council has indicated the LEP can be completed within 8 months of the date a Gateway determination is issued. It is recommended that the timeframe for completing the LEP be 12 months to account for any unforeseen delays in the plan making process.

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

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Council has requested to be authorised as the local plan making authority to exercise the functions under section 3.36 of the Environmental Planning and Assessment Act 1979. Due to the localised nature of planning proposal, it is recommended that Council's request be supported.

## **9. CONCLUSION**

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It is recommended that the planning proposal proceed subject to conditions. The planning proposal has merit as it seeks to zone land in accordance with its primary use.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones 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 authority



13 January 2020

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