

RP-2 DRAFT PLANNING PROPOSAL (LEP19/0009) TO REZONE LAND ON THE CORNER OF STURT HIGHWAY AND PEARSON STREET, WAGGA WAGGA**Author:** Adriaan Stander**Director:** Michael Keys**Summary:**

Council is in receipt of a planning proposal to rezone land located at 64 Pearson Street from RE1 Public Recreation Zone to B5 Business Development and SP1 Infrastructure Zone.

The recommendation is to proceed with the planning proposal and request a Gateway Determination from the NSW Department of Planning, Industry and Environment.

Recommendation

That Council:

- a support planning proposal LEP19/0009 to amend the Wagga Wagga Local Environmental Plan 2010
- b submit the planning proposal to the NSW Department of Planning, Industry and Environment for Gateway Determination
- d receive a further report after the public exhibition period addressing any submissions made in respect of the planning proposal

Application details**Submitted planning proposal:**

Council is in receipt of a planning proposal (LEP19/0009) to rezone land located at 64 Pearson Street from RE1 Public Recreation Zone to B5 Business Development and SP1 Infrastructure Zone.

Applicant

Phillip Drew for Bunnings Group Limited

Land owners

Lot 1 DP 798753 – Steven George Limberger
Lot 1 DP 567236 – Wagga Wagga City Council.

Proposal

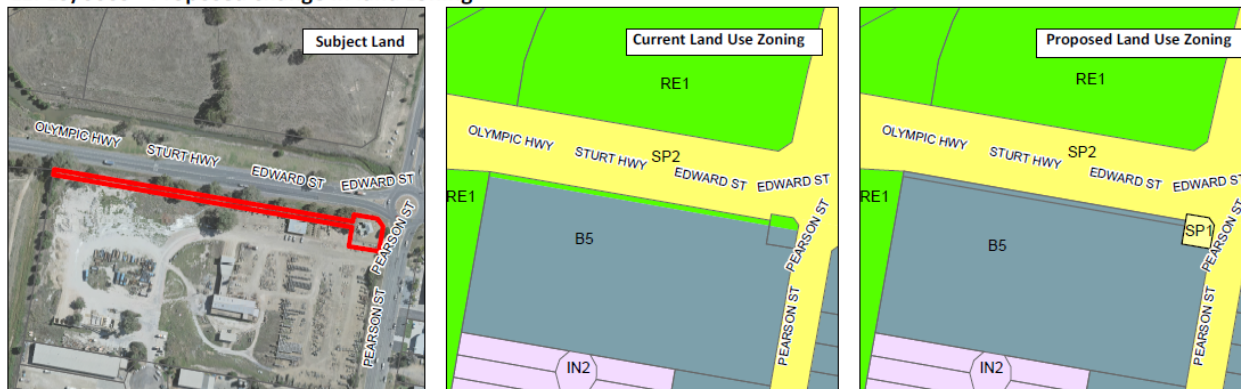
Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP2010) to:

1. Rezone part of Lot 1 DP 798753, located at 64 Pearson Street from RE1 Public Recreation Zone to B5 Business Development Zone. The proposal seeks to rezone approximately 0.15 hectares of land located along Sturt Highway to be consistent with the B5 Business Development Zone on the remainder of the lot. The proposed amendment will facilitate the most effective design outcome for future development on the site.

2. Rezone Lot 1 DP 567236 from RE1 Public Recreation Zone and B5 Business Development Zone to SP1 Infrastructure Zone consistent with the current use of the land. The land is currently occupied by a sewer pump station.

The above changes will be achieved by amending the Land Zoning Map of the WWLEP2010 as per the illustration below.

LEP19/0009 - Proposed change in land zoning



The aim of the planning proposal is to provide opportunities for future development to achieve the most-efficient design outcome and also to align the zoning of the site with its intended use. Bunnings, which is currently located on the corner of Dobney Street and Pearson Street has indicated interest in relocating to the subject site.

Details of the proposal with supporting information is provided under Attachment 1.

Site and Locality

The subject land is located on the corner of Sturt Highway and Pearson Street, at the western gateway to the city. Lot 1 DP 798753 has historically been used for agricultural and industrial purposes. It is currently used for retailing and wholesale of bricks and pavers. Lot 1 DP 567236 hosts a sewer pump station.

Key considerations

1. Strategic vision for the site

The subject land was originally zoned for public open space under the Wagga Wagga Local Environmental Plan 1985 and Wagga Development Control Plan 1986. The DCP at the time indicated a plantation strip along the highway frontage of the site. Currently a row of vegetation exists within the roadway corridor, but not within the subject land. The current RE1 Public Recreation Zone therefore does not reflect the existing environment or land uses on the site.

Despite the RE1 zoning there is no identified public purpose on the land that upholds that zoning, nor is it anticipated the subject land will be used for public recreation under any current strategic planning documents. Due to the prominence of the site at the western gateway into the city, it is important to achieve an attractive streetscape presence. This can be achieved through the current development controls under Section 10.5 of the Wagga Wagga Development Control Plan 2010 without the need of the RE1 Public Recreation Zone. These controls require landscaping along both Sturt Highway and

Pearson Street. The controls also provide guidelines for the design of future buildings to promote attractive business development.

2. Consistency with endorsed strategic directions

There are no directions or actions applicable to the subject land under the Recreation, Open Space and Community Strategy and Implementation Plan 2040.

The planning proposal is consistent with the objectives of the Wagga Wagga Spatial Plan 2013/2043 to *“provide flexible opportunities and appropriate locations for establishing and growing business”* and to *“provide opportunities for key business established in Wagga Wagga to grow further”*.

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

In view of the range of matters considered by this assessment, the proposal is found to be reasonable and in the public interest. The matters discussed in this report are reflective of the public interest and community expectations as expressed via existing strategic directions and policy guiding documents.

The proposal is supported for the following reasons:

1. The planning proposal will provide opportunities for future development to achieve the most-efficient design outcome.
2. It complies with the provisions of the endorsed strategic documents, including Riverina Murray Regional Plan 2036 and the 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 application was lodged in August 2019 and attracted an application fee of \$15,000 in accordance with Council Fees and Charges Policy of 2019/20.

Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 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 to any future development application on the land. The landowner also has the opportunity to enter into a planning

agreement, however at the time of this report, no request has been received to enter into an agreement.

Policy and Legislation

Environmental Planning and Assessment Act 1979
Wagga Wagga Local Environmental Plan 2010
Wagga Wagga Development Control 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

There is no apparent risk involved in supporting the planning proposal to proceed. 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 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

IA cross-directorate internal referral occurred. The proposal is supported in principle.

External Formal public consultation with adjoining land owners, the general public and referral agencies will occur after the Gateway Determination as illustrated below.

TIER	Mail			Media				Community Engagement					Digital				
	Rates notices insert	Direct mail	Letterbox drop	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
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Attachments

1. LEP19.0009- Planning proposal submitted by applicant
2. LEP19.0009- City Strategy Assessment