

Confidentiality Requested: no

Submitted by a Planner: no

Disclosable Political Donation:

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See attached table with comments

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Submission: Online Submission from company Wagga Wagga City Council (org\_comments)

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## SEPP INFRASTRUCTURE

SECTION	COMMENT
General – throughout the document	Clarity of the definition of “by or on behalf of a public authority”. For example, is it sufficient for a group to make use of land held by an infrastructure provider and with the permission of that provider, to thereby be ‘on behalf’?
Clause 20B	Seems to contain an error – says “exempt” but should be “complying”?
General	We thought there was an earlier reference to Sport & Recreation Centres but can’t see it now? This had important implications for the Borambola Centre in Wagga Wagga LGA.
Division 3	Council supports the introduction of a specific SEPP for education facilities
Division 4	Council supports the electricity generating/solar systems provisions going across to the Exempt & Complying SEPP
Division 10	This is allowing a lot of development. Ancillary development was previously permitted – what is the purpose of specifically listing these uses without limitation
Clause 58	Development for a helipad permitted without consent – this development potentially has major amenity impacts for property owners both in the vicinity and in the acoustic catchment of the health services facility – surely this needs assessment?
Clause 58C	<p>Please clarify the parameters of Complying Development – does this apply to both public and private facilities?</p> <p>We are concerned about the ability for commercial premises to operate within health facilities grounds with a flimsy connection to staff, patients and “visitors to the facility”.</p>
Division 12 Parks and other public reserves	Clarity and definition of the terms used in the development without consent / exempt in the Parks section. Many have no definition, and we are left to guess what they really mean. It isn’t clear what is included in “outdoor recreation facilities” – does this include for example ancillary structures such as spectator banks – what are the limitations?
Clause 65	Please check that the lighting standards referred to are correct for sports grounds
Clause 65(3)	<p>Please clarify whether “facilities” can be in a building ie can construction of a building that is or contains a “facility” be undertaken without consent?</p> <p>Council supports the inclusion of public art as exempt development</p>
Division 14 Public administration buildings and buildings of the Crown	There are no provisions for change of use for existing commercial premises to public administration buildings, which have a very similar character. The SEPP should look at including this.
Division 15 Railways	The Guidelines referenced under Clause 85(2) require updating as there has only been an Interim Guideline since 2008. Guidelines need to include strong wording rather than general considerations to ensure that all rail impacts are correctly addressed.

	<p>Council currently has issues with a former railway building (we think it was used by drivers as a rest stop) that is removed from the station complex but within the SP2 zone. Several businesses and community groups have looked at renting it however the use has been restricted due to the zoning.</p>
<p>Clause 104(1)</p> <p>Schedule 3 (Traffic Generating Development)</p>	<p>Council requests the consideration of the inclusion of “an enlargement or extension of existing premises, being an alteration or additional that causes a premises, together with previous development, to be a development of the relevant size or capacity for the first time”.</p> <p>The terms for development listed are not consistent with the standard definitions. The phrase “size or capacity” is confusing and inappropriate with some uses – is a service station with a “size or capacity” of “200 or more motor vehicles” one that has 200 bowsters? 200 parks? Will have over 200 vehicle movements (and then within what time scale)? Any other purpose has a trigger for non-classified roads of 200 vehicles, but it is not lower for classified roads (which are usually triggered at 50), which is odd. Needs an overhaul and made much clearer for all users.</p> <p>The Schedule to Traffic Generating Development has been updated to include standard definition, but maintains this odd one “drive in take away food outlets”? This is not defined anywhere so what is it? Any place you drive into, or has a drive through? With regard to “take away food outlet”, we suggest “take away food and drink premises, with drive through facilities” as it picks up the standard definition, and I think better represents the type of development the Department is after.</p> <p>Car parks (whether or not ancillary to other development) – but these can still be exempt???</p> <p>Child care centres – update definitions to align with draft SEPP</p> <p>Educational establishments 50 or more students – update definition to align with draft SEPP</p> <p>“Commercial premises (other than restaurants or cafes)”, should actually say “Commercial premises (other than restaurants or cafes, take away food and drink premises, and shops)”. As they are all separately in the table, like restaurants and cafes.</p> <p>Industry 5,000m2 in gross floor area 20,000m2 in gross floor area – why is this linked to area???</p> <p>Liquid fuel depots 8,000m2 in gross floor area 8,000m2 in gross floor area – why is this linked to area?</p> <p>“Any other purpose - Any size or capacity”. Surely not? It currently says more than 200 vehicles. This MUST be a typo!</p>

## EDUCATION AND CHILDCARE SEPP

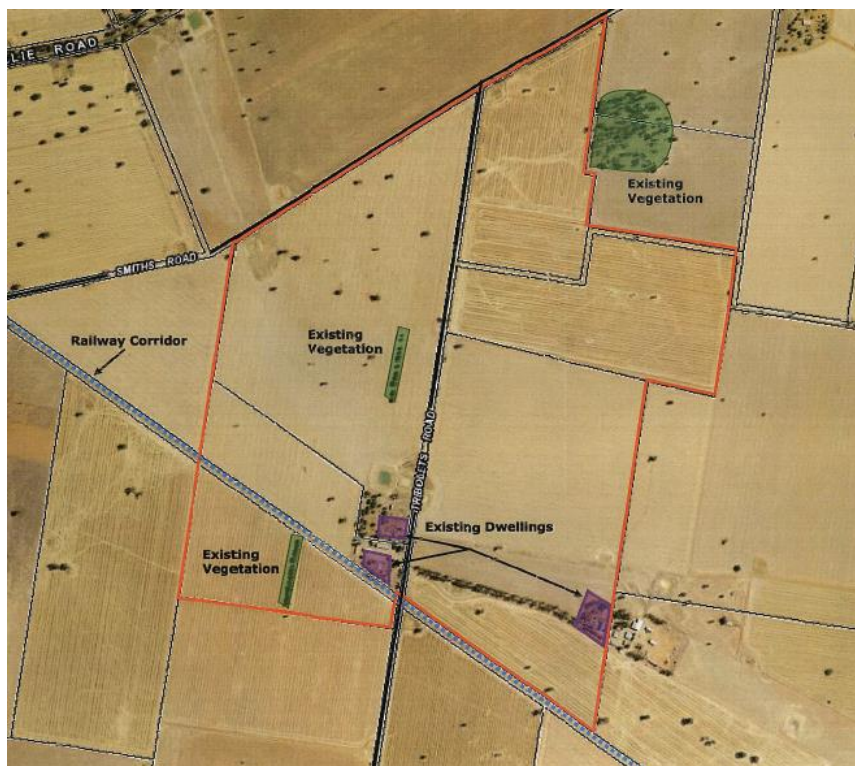
SECTION	COMMENT
Clause 22	Wagga Wagga LEP 2010 prohibits child care centres in IN1 and IN2 zones
<p>To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Council supports the introduction of plain English to policies however what weight is given to the standards in this legislation if Council can refuse for another reason or consent even if standards are not complied with?</p>
<p>Clause 32 - the use of existing facilities or buildings for the purposes of school-based child care for primary school students, or for community purposes (whether or not it is a commercial use of the establishment),</p> <p>an amenities building, workshop or storage shed that is not more than one storey high and is more than 5 metres from any property boundary, -</p>	<p>Council supports the introduction of this section as we currently have issues with community use of school facilities however how is the impact on nearby residents addressed?</p> <p>Can this be a shipping container?</p>
<p>Schedule 1</p> <p>Identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure (including signs associated with level crossings)</p> <ul style="list-style-type: none"> <li>• Surface area must not exceed 3.5m<sup>2</sup>.</li> <li>• Must be located wholly within property boundary or be attached to existing boundary fence and not projecting more than 100mm from fence.</li> <li>• Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, Control of the obtrusive effects of outdoor lighting.</li> </ul> <p>Identification, directional, community information or safety signs associated with the use of road</p>	<p>Please confirm whether signage can be of the changeable design which has appeared at numerous Wagga Wagga schools recently? These signs are animated, can change the display every few seconds</p> <p>The layout of this section is confusing. We request that the final version has information in the left and right columns easily interpreted – some of the lines don't align and the information on the right runs into the next point.</p>

<p>infrastructure</p> <ul style="list-style-type: none"> <li>• Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Secretary for the purpose of this standard and published in the Gazette.</li> </ul> <p>Temporary signs advertising an event and associated relevant details including sponsorship of the event</p> <ul style="list-style-type: none"> <li>• Surface area must not exceed 3.5m<sup>2</sup>.</li> <li>• Must be located wholly within property boundary.</li> <li>• Must not be displayed earlier than 28 days before event and must be removed within 14 days after event.</li> <li>• Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997 Control of the obtrusive effects of outdoor lighting.</li> </ul>	
	<p>Please clarify provisions/standards relating to bus stops related to educational establishments</p>

## GENERAL COMMENTS

Staff at the workshop requested that Council bring any other matters of concern to the Department's attention therefore we wish to raise the following:

- Definition of “rural supplies” excludes commercial undertakings. WWCC has recently had issues with an application by Elders Rural to move from the CBD to an IN1 zone, where rural supplies is permitted with consent but commercial premises are prohibited. This is a business model that is common in the agricultural sector (eg Elders, CRT, Delta etc) however they proponent has not been able to demonstrate that the commercial arms of the business (insurance, real estate) are ancillary to the rural supplies. We feel that the definition should be amended to allow for related agribusiness aspects of the development to be included. We are happy to be involved in further discussions around this
- We are currently assessing a development application for a “pick your own” strawberry farm, the components of which we feel are not adequately addressed in the dictionary. We would like to see an agribusiness land use along the lines of cellar door premises but for produce other than grapes and wine. As commercial premises are prohibited in the RU1 zone under the provisions of the WWLEP 2010, we are having some issues in the assessment of this application.
- Food premises as CDC – Council EHO involvement – what triggers this inspection? Inspection 2 days before opening is a problem if issues arise that need additional works/works to be undone
- Boundary adjustments in rural areas as exempt development. We are having some issues with proposals that are sensible and logical however are not able to be undertaken as exempt or under the LEP. They relate to lots that are already under the minimum lot size and may host dwellings. See example below



Existing



Proposed