

From: noreply@feedback.planningportal.nsw.gov.au on behalf of [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Subject: Webform submission from: Activation Precincts SEPP and the Wagga Wagga master plan
Date: Tuesday, 29 September 2020 8:51:49 PM
Attachments: [20170215---submission-to-wvcc-re-lep-amendment-exhibition-██████████17003.pdf](#)

Submitted on Tue, 29/09/2020 - 19:49

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: ██████████

Last Name: ██████████

Name Withheld: Yes

Email: ██████████

Suburb/Town & Postcode: Cartwrights Hill, Wagga Wagga 2650

Submission file:

[20170215---submission-to-wvcc-re-lep-amendment-exhibition-██████████17003.pdf](#)

Submission: 29 September 2020 Anthea Sargeant Executive Director NSW Planning Team Draft Bomen Activation Precincts SEP Plan 2020 PLANNING PROPOSAL - TO REZONE RESIDENTIAL LAND AT CARTWRIGHTS HILL TO NEW INDUSTRIAL PRECINCT I would like to take this opportunity to introduce myself, my name is ██████████, I have been a long term resident of Wagga Wagga for more than 50 years and my family and I have been ratepayers and owner occupiers of our 6Ha residential property at Cartwrights Hill for more than 30 years ██████████ as highlighted below. My family and I have been adversely affected by the numerous changes (6) to the zoning over recent years, a moratorium on development in the Bomen area and the previous omission of our property from the last draft proposal to alter the LEP 2010, and therefore I am seeking to be included in any further consultation on the current Draft Planning Proposal to ensure we are fully aware of the proposed changes and fairly treated by both local council and NSW Planning Department. I have over many years tried to resolve zoning constraints added to my property which was originally zoned 2a residential with the potential of subdividing into some 32 house blocks to the current proposal which will total remove residential status of my landholding. I seek to be afforded the option to participate in the current NSW Government Land Acquisition process. As I understand my land has now been included into the Activation Precinct therefore future changes and an increase of light industrial business in the area will potentially have a detrimental effect on our current lifestyle and the amenity / outlook of our residential/rural landholding. I look forward to discussing my concerns and the options available to me as an adversely effected local resident of Cartwrights Hill, the proposed planning which has been amended to include my 6Ha property ██████████ within the Draft Proposal. Kind Regards ██████████ 1. See below extract from previous submission to WWCC re previous LEP changes. 2. See attached a previous submission on my behalf to WWCC re 2010 SEP. The Honourable Mayor Mr Greg Conkey Wagga Wagga City Council PO Box 20 Wagga Wagga NSW 2650 Draft Planning Proposal Wagga Local Environment Plan 2010 PLANNING PROPOSAL 2016/1 - TO REZONE DEFERRED MATTERS AT CARTWRIGHTS HILL I would also like to take this opportunity to introduce myself, my name is ██████████ and I have been a long term resident of Wagga Wagga for more than 50 years and my family and I have been ratepayers and owner occupiers of our residential property at Cartwrights Hill for more than 30 years ██████████ as highlighted below. Please note my family and I are adversely affected by the omission of our property from this draft proposal to alter the LEP 2010 and therefore I am actively seeking to have the current Draft Planning Proposal amended to include my small 6Ha property ██████████ within the Draft Proposal. Councils current proposal is to Re Zone the land known as Item ██████████ to R5 large lot residential (1ha), and while I support the rezoning of this property for the reasons outlined below, I do so on the basis that my own property which is located adjacent to ██████████ and which has similar attributes and would meet the same Re Zoning criteria should also be included for Re Zoning to R5 Large Residential Lots as part of the Councils Planning Proposal 2016/1. The inclusion of my property would provide fair and equitable treatment of all landowners in the precinct and provide a clear boundary definition and buffer to land bounded by Old Bomen Rd and Bomen Road, Cartwrights Hill. I am extremely disappointed that despite my previous submissions and meetings with council officials over the past 10 years, where I consistently raise issues about the adverse effects to my family of the unfair Zoning of our property, it would seem we were again overlooked and therefore not included in the draft development of this new planning proposal before it was sent out for open public comment, I hope we can correct this omission. My family and I have been significantly financially disadvantaged over many years as a direct result of the moratorium on future development in the Cartwrights Hill precinct and then despite consultation re Zoning my property from Residential 2A (1986) to the current heavily restricted RU6 zoning was unfair and unreasonable, this decision has stripped my property of its original potential for future development or subdivision, which was my original intent when I purchased the property in 1986. I have always sort to participate in and trust the Councils planning process, attend community meetings, meet with council officers and make formal written submissions, however I seem to be continually overlooked, I have no doubt that had my property been previously included as "Deferred Matters" then it would now be automatically included in the proposed planning re zoning change to R5 large Land Use 1 Ha. In support of my request for ██████████ to be included in Draft Planning Proposal 2016/1, I submit the following relevant background information & supporting documentation. I have personally owned the property known as ██████████ for approximately 30 years. When I purchased the property in 1986 it was vacant land zoned Residential 2a ██████████ ██████████ I purchased the property with the knowledge that I could build a residential dwelling on the land and that the property could be further improved and subdivided in the future as per councils sub division plan with approximately 25 to 30 small house blocks. In 1987, Wagga Wagga City Council approved my DA to construct a residence on the land based on the condition that the dwelling was constructed within the Councils subdivision plan as shown on the LEP1985 map. I was given a copy of this plan and the future residential street layout, for which I complied and the DA was approved. 1985 LEP For many years I have been frustrated by the WWCC's decision to place a moratorium on future development in the Bomen area, which has prevented me from improving my property. Excluding my property at this time would be inequitable and unfair when adjoin land is now being recommended as R5 Large Residential, and it makes no sense to duplicate the planning process by suggesting I make a separate new submission. The purpose of the community consultation process is to highlight inaccuracies and issues and to improve the proposal, any perceived delay will have no real effect on anyone, however a separate application process even if supported by Council may unnecessary delay the Re Zoning. As a resident of Cartwrights Hill for more than 30 years I can personally attest to the current quality of life that the area offers, following extensive capital works by Council and Cargill the area is free from noise and or odour incidents, this has been confirmed following numerous environmental studies by Council and others in recent years. The Property is west facing and has panorama 180 degree views of the countryside, the land is well serviced including fully sealed road frontage on two sides and has a green zone extending from Cartwrights Hill through the eastern side of property through to Bomen Road. There are NO justifiable reasons, based on environmental planning principals, for not including my land in the R5 zoning (1ha). The report to Council does not raise any reason on environmental impact grounds to not include this land in the current draft rezoning planning proposal. I formally request your support in consideration based off my previous submissions that Council approve my request to include property Lot2 ██████████ within the proposed Draft Planning Proposal 2016/1, by rezoning the land to R5 Large Lot Residential, as I believe the creation of six additional 1Ha residential lots on this land would have an insignificant impact on the local environment and would complement the approved development in Item 1 comprising 23 lots. Yours, sincerely ██████████ Resident & Owner ██████████

URL: <https://pp.planningportal.nsw.gov.au/WaggaWaggaSAP>



Ref No: 17003
Contact: Garry Salvestro

16 February 2017

The General Manager
Wagga Wagga City Council
PO Box 20
Wagga Wagga NSW 2650

ATTN: Strategic Planning

RE: PLANNING PROPOSAL 2016/1 - TO REZONE DEFERRED MATTERS AT CARTWRIGHTS HILL

The following submission is made on behalf of our client [REDACTED] in relation to the recent exhibition of Draft Planning Proposal Wagga Wagga Local Environmental Plan 2010. Our client is landowner of the adjoining land known as [REDACTED]. This letter is to be read in conjunction and support of a separate submission made by [REDACTED] on this matter.

Background

Council has prepared a planning proposal to rezone land at Cartwrights Hill, currently identified as "deferred matter" under the Wagga Wagga Local Environmental Plan 2010. An extract from the proposal is below, identifying our clients land in relation to the deferred matters that are the subject of the planning proposal.

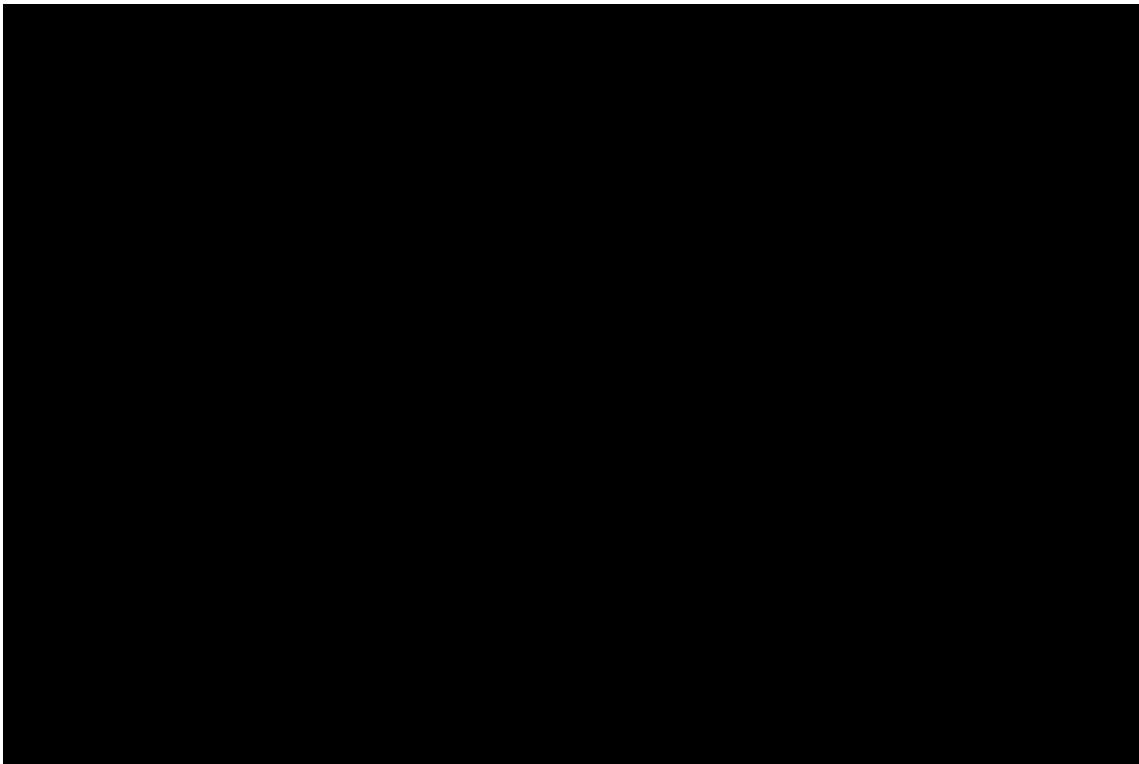


Figure 1: Subject Land and Deferred Matters (Source WWCCGIS 2017)

The Planning Proposal as exhibited by Council proposes to rezone the deferred matter to the North of Old Bomen Road to R5 Large Lot Residential with a minimum lot size of 1Ha and to rezone the land to the east of East Street to RU1 Primary Production with a minimum lot size of 200Ha. Both areas are part of the Cartwrights Hill precinct.

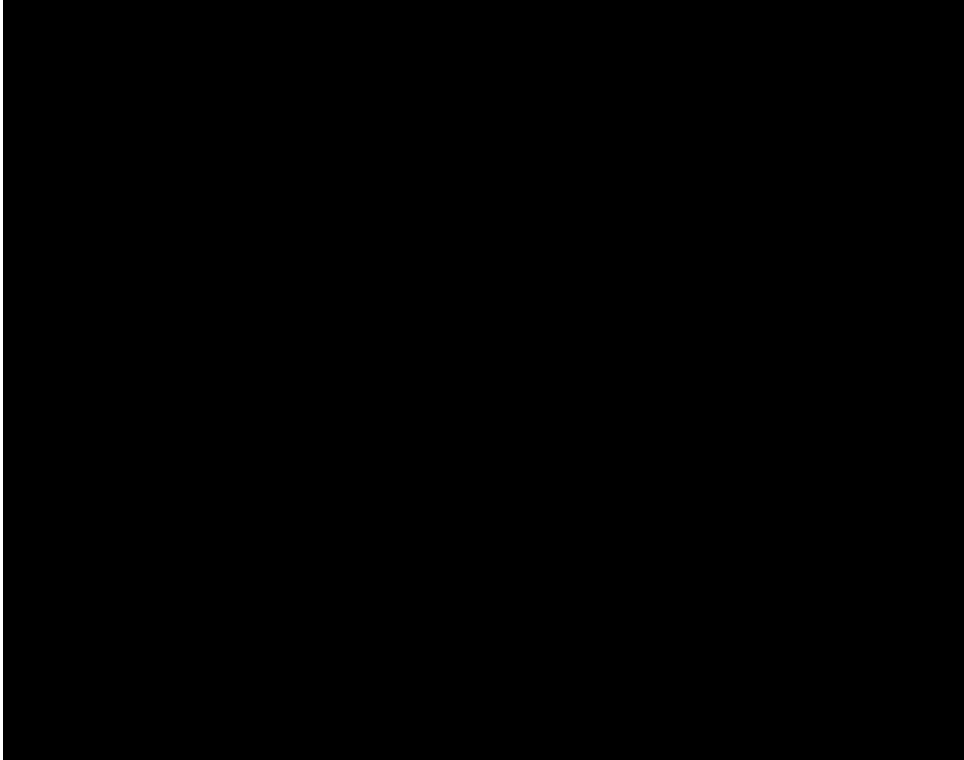


Figure 2: Proposed rezoning of Deferred Matters (Source: WWCC Planning Proposal Exhibition Materials)

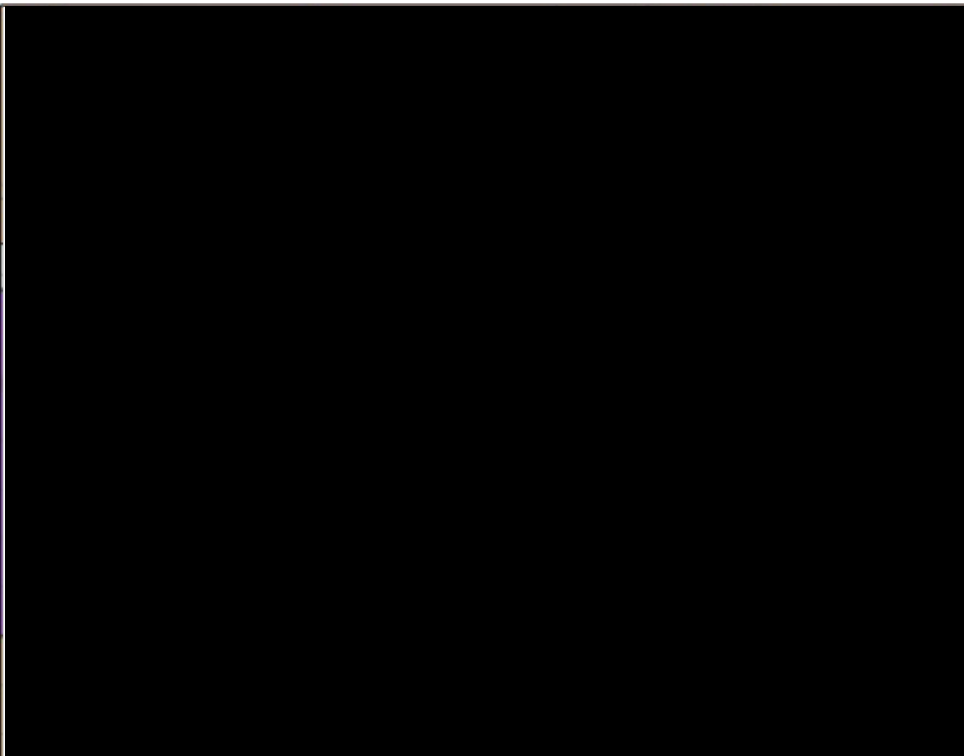


Figure 3: Proposed minimum lot size of Deferred Matters (Source: WWCC Planning Proposal Exhibition Materials)

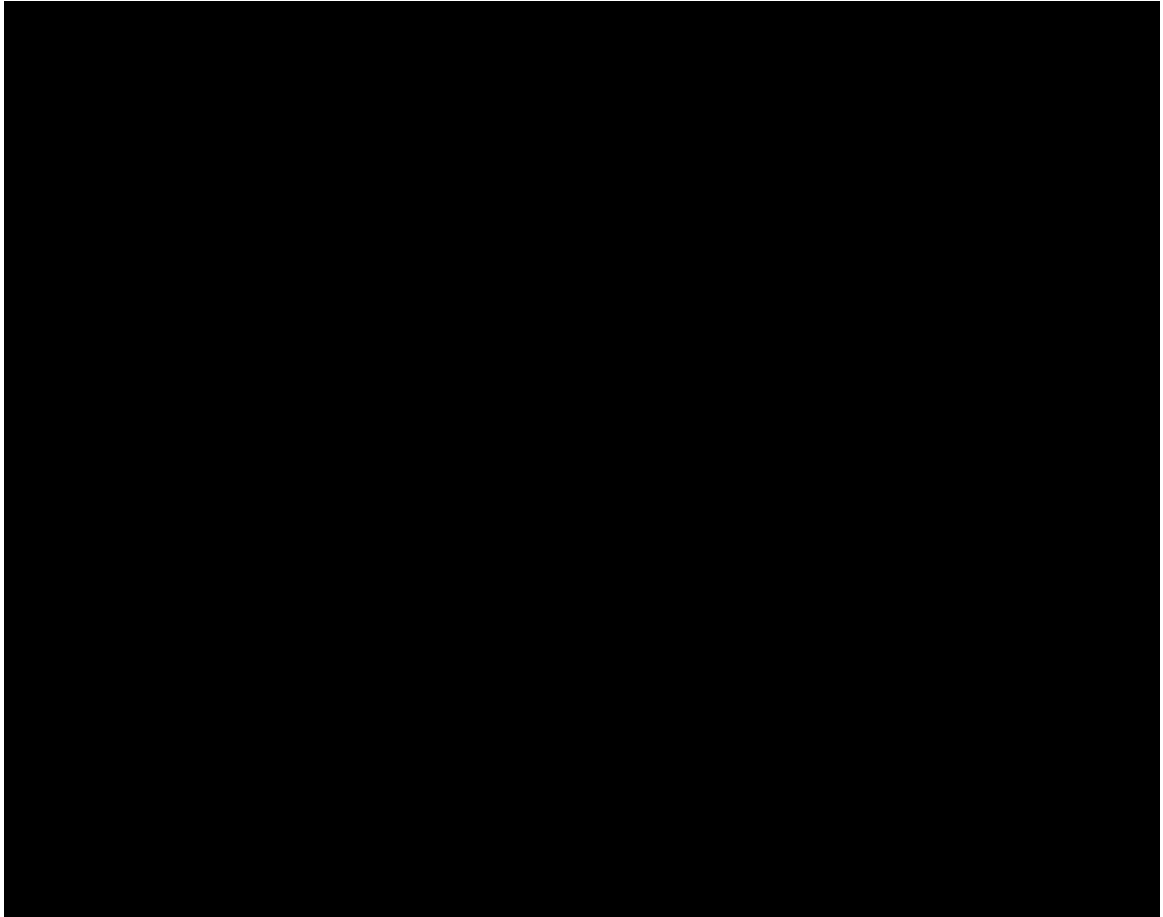


Figure 4: Proposed inclusion of deferred matters into the Cartwrights Hill Precinct (Source WWCC Planning Proposal Exhibition Materials)

Council's proposal to rezone the deferred matter north of Old Bomen Road to R5 is in response to their approval to subdivide the area under [REDACTED]. Council's proposal to rezone the land east of East Street to RU1 is based on the response from the NSW Department of Planning regarding the previously proposed Amendment 13 to the WWLEP, in which the Department of Planning & Environment (DPE) requested further justification for Council's then proposal to rezone the land R5. This was requested as Council's supplied information and justification indicated that they were under the impression the land was zoned for urban uses at the time, when it was in fact zoned for rural purposes. DPE deferred the matter with recommendation to zone the land as IN2 Light Industrial or RU1 Primary Production.

Site Analysis

The subject land, [REDACTED], was purchased by our client in 1986, zoned Residential 2a and subject to the Cartwrights Hill masterplan under the WWLEP 1985 and DCP1986, with future subdivision to result in 25-30 residential lots (see LEP1985 map extract below).

In 1987 WWCC gave approval for a residence on the property based on the condition that the dwelling was constructed within the subdivision plan for Cartwrights Hill and conformed with the future residential street layout.

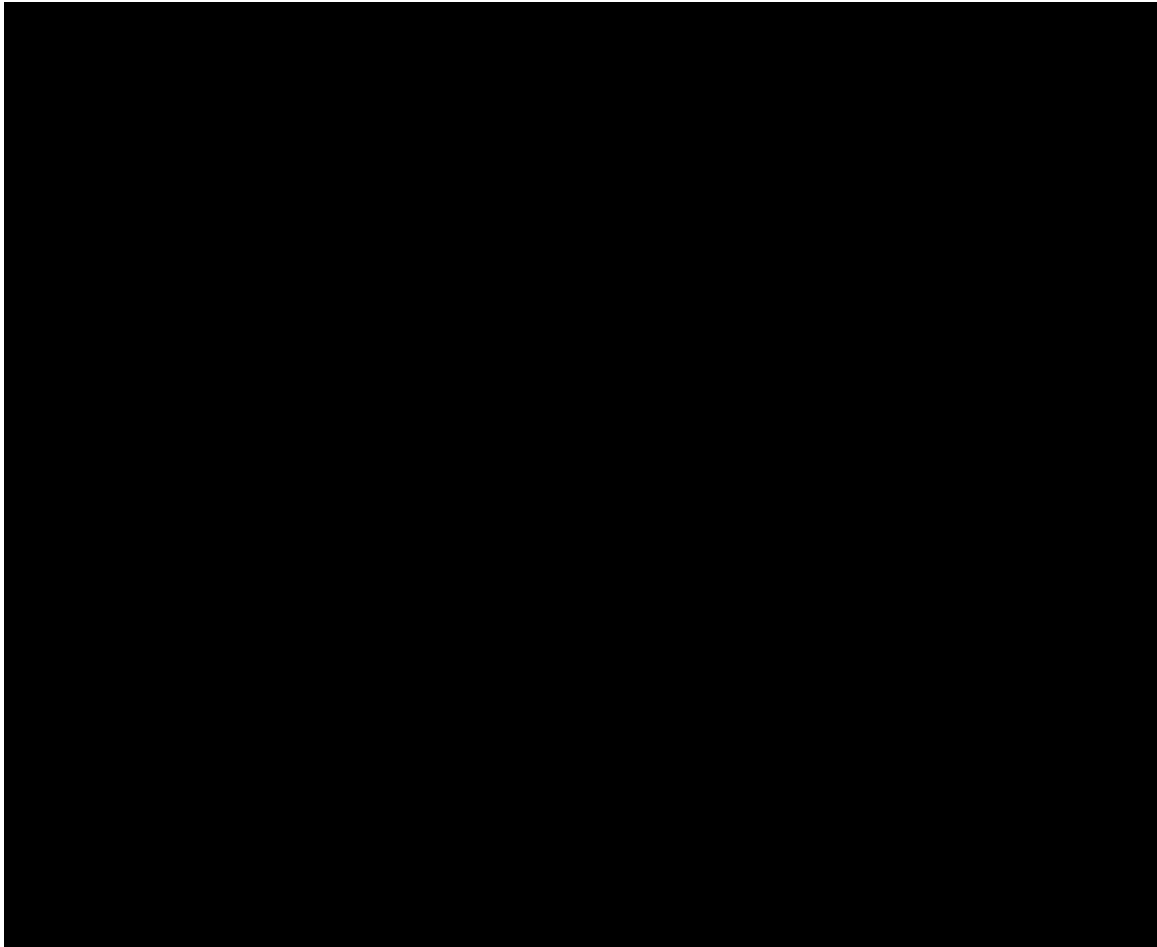


Figure 5: LEP1985 Map (Source: WWCC)

Since then Cartwrights Hill has been the subject of a contentious rezoning with Council limiting further development and restricting residential subdivisions in an effort to encourage growth of the nearby Bomen industrial precinct. For our client, this has resulted in a zoning of RU6 Transition Zone with minimum lot size of 200Ha and an inability to further develop or subdivide his land.

There is no justification for the current RU6 zoning, as has been proven by subsequent considerations by the DPE and matters recently put before the Land and Environment Court.

The subject land is currently serviced with essential utilities, with access to surrounding infrastructure including frontage to fully sealed road on two boundaries and "green zone" extending from Cartwrights Hill through to the eastern side of the property and connecting to Bomen Road.

The existing dwelling, located in the centre of the site, is over 460m from BISTF and over 300m from the Bomen IN1 zone. A significant ridgeline also separates the site from Bomen as shown in the figures below.

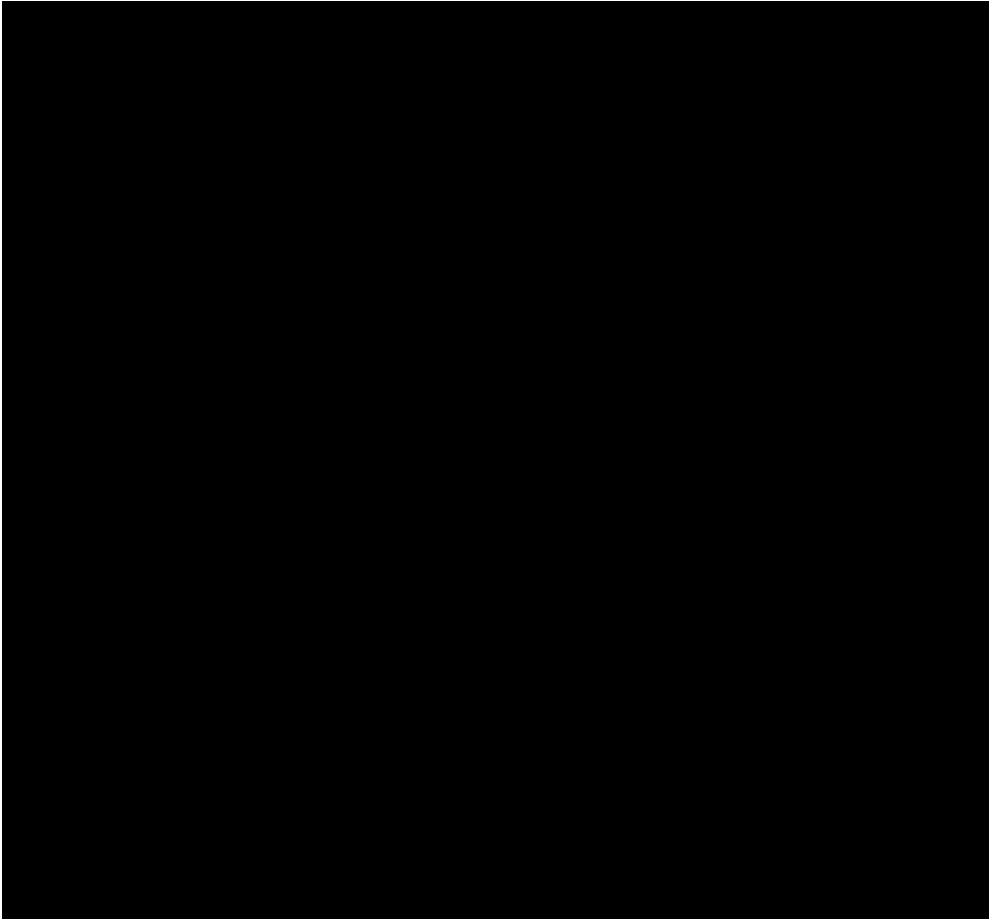


Figure 6: Subject land setback from BISTF (Source: WWCC GIS & SP2017)

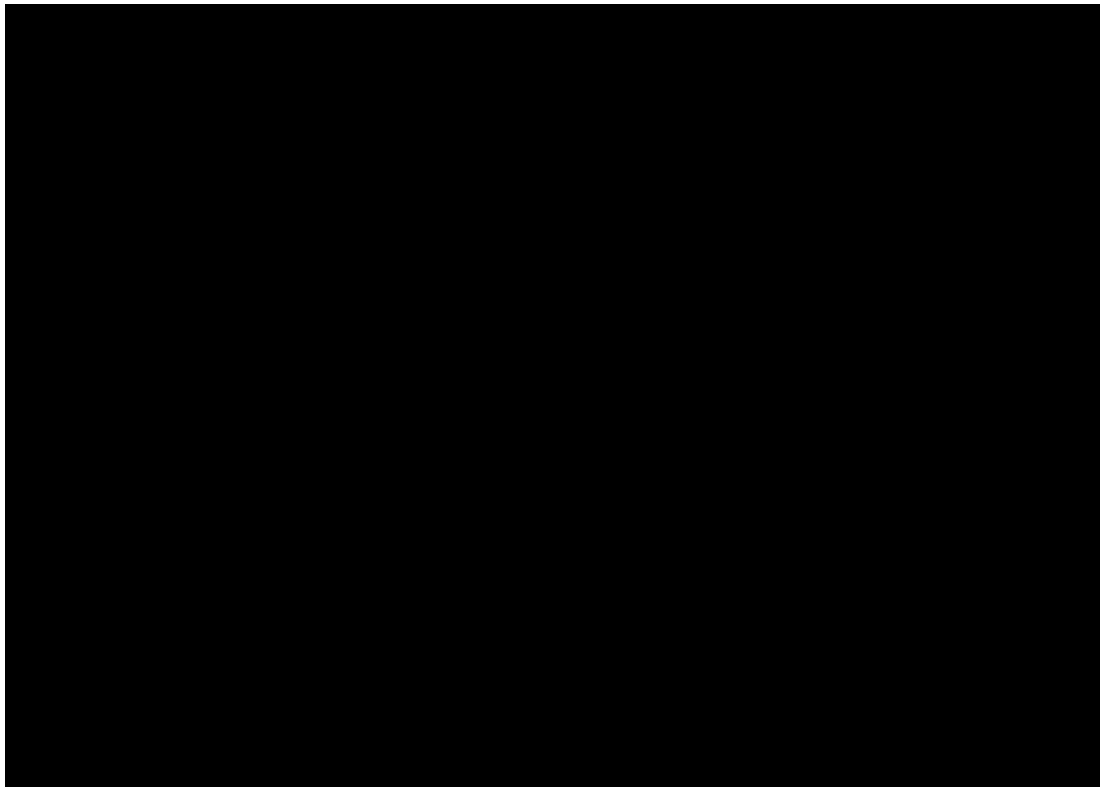


Figure 7: Subject land setback from Bomen IN1 Zone (Source: WWCC GIS & SP2017)

Main Points of Concern

The Planning Proposal has further investigated and addressed matters with regards to the economic impact on subject landowners and the future of the BISTF as they relate to the deferred matters. However, no discussion has been put forward in relation to the subject land.

Furthermore, there is concern that the Planning Proposal, as approved in February 2013, was based on information and considerations from Council relating to noise and odour conflict from the BISTF. The Department of Planning & Environment (DPE) maintained the land north of Old Bomen Road as a deferred matter, advising that the then proposed RU6 Transition zone "...would have major economic impacts on the affected landowners..." and further concluded that "...there was not enough justification for the change to a proposed RU6 Transition Zone (200 hectare minimum lot size) to proceed at this time..."

The Department of Planning based this on

- Council's indication that the RU6 Zone was being provided as a "...precautionary buffer to mitigate against any future noise and odour impacts from either the expansion or change in function of the BISTF, but there was no consideration of whether any expansion or change in operation of the BISTF would in fact require an increased buffer."
- Lack of consideration of the legal and financial implication under the *Land Acquisition (Just Terms Compensation) Act 1991*.
- Lack of canvassing for alternative compatible zoning and lot size options.

It is understood the current DA approval for BISTF requires the facility to operate within EPA guidelines, licencing and without impact on adjoining residences.

The original approved Planning Proposal was made under these considerations, and whilst the land to the north of Old Bomen Road was considered and deferred, the subject land was not given these same considerations. Subsequent Odour and Noise Assessments have now substantiated that there is no detrimental impact on the subject land as a result of BISTF and Bomen industrial activities. This conclusion has resulted in the proposed R5 Large Lot Residential zoning with minimum lot size of 1Ha.

As Council is aware, there is now a significant amount of scientific data that supports the development of land, including the subject land for R5 large lots. The subject land should be taken into consideration for a similar R5 zoning with a minimum lot size of 1ha, as the physical circumstances are similar.

Request for Rezoning Consideration

Following the concerns raised in this submission, our client is requesting Council to alter the exhibited planning proposal by including [REDACTED] with a R5 zoning with a 1ha minimum lot size. The submission is justified by the following main points:

- The current planning proposal has not taken into account neighbouring land and the physical similarities that indicate suitability for an R5/1ha zoning.
- The current restrictions on developing the subject land has greatly restricted any potential development without regard for the landowner, as indicated in earlier correspondence between the landowner and Council.
- The lack of options for development does not allow for the utilisation of the surrounding infrastructure and more efficient/equitable use of the land.
- The current restrictions on development as applied to the subject land results in an unjustified waste of the available vacant and serviced land.
- Rezoning the land to reflect the R5 zoning and 1Ha minimum lot size of the adjoining deferred matter on Old Bomen Road would only allow a maximum of an additional 6

lots which would be considered to have an insignificant impact on the local environment or surrounding landuses.

- Despite submissions made by the subject landowner during previous planning proposals, no acknowledgement or serious considerations were made for the subject land, resulting in a significant financial loss to our client, with no apparent concerns by Council for the wellbeing of the landholder and family.
- The rezoning of the deferred matters without any due consideration of the subject adjoining land is inequitable as it favours certain landowners over others and their right to develop land in an environmentally sustainable manner.
- The proposed rezoning boundaries are irregular and inconsistent with the physical attributes of the land.
- As noted in the Planning Proposal, Council is required to *consider odour and noise impacts from the Bomen industrial area and sewage treatment facility when assessing development within the residential area of Cartwrights Hill*. Current available studies indicate no significant impact on the subject lands as a result of BISTF or Bomen land use activities.

Conclusion

The proposed rezoning of the deferred matters at Cartwrights Hill as exhibited does not account for the possibility that adjoining land is also suitable for large lot residential development, similar to the R5/1ha zoned land opposite. It is considered inequitable as it allows some further development for certain lands without considering the rights of neighbouring landowners to develop their land in a similar nature, particularly where environmental and spatial considerations are similar.

Council is requested to consider the above in relation to the planning proposal and offer the opportunity for [REDACTED] to be included as R5/1ha zoning.

For any further clarification of the above, please contact our office on [REDACTED]

Yours sincerely



Garry Salvestro
Director
Salvestro Planning