

**RP-10 PLANNING PROPOSAL CHANGES TO LLOYD URBAN RELEASE AREA AND BUSINESS ZONES**

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**Recommendation****That Council:**

- a receive and note the Planning proposal for minor changes relating to the Lloyd Urban Release Area, Bakers lane minimum lot sizes and changes to the zoning of local centres and other minor amendments**
- b forward the Planning Proposal for the Lloyd Urban Release Area and Business Zone amendments to the Department of Infrastructure and Planning under section 56(1), requesting that the Minister issue a “gateway determination” that will allow the Planning Proposal to proceed**

**Report***Background*

This Planning Proposal is merger of three individual Planning Proposals which Council reviewed and adopted in Council Meetings in March and April 2011. The Department of Planning and Infrastructure advised that since these proposals were amending the same maps repeatedly that the Proposals should be merged.

Note that the Quadruple Bottom Line (QBL) Analysis is a merger of the previously individual Planning Proposals.

*Summary*

The report advises Council of a Planning Proposal to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP 2010) to:

- a. Correct zoning anomalies affecting land zoned R1 and RU1 within the Lloyd Urban Release Area; and
- b. Correct an anomaly in relation to minimum lot sizes affecting land at Bakers Lane and Inglewood Road;
- c. to facilitate minor changes to zones, minimum lot sizes and statutory provisions applying to the Lloyd Urban Release Area;
- d. to facilitate minor changes to zones and minimum lot sizes applying to the Lloyd Urban Release Area as a result of the Lloyd Voluntary Planning Agreements;
- e. Reclassify Council-owned land from “Community” Land to “Operational” Land; and
- f. rezone the existing local centres at Tatton, Bourkelands, Estella and Boorooma from B1 Neighbourhood Centre to B2 Local Centre.

## *Planning Proposal*

The elements of the Planning Proposal are described in turn below.

**Item 1:** Revise zone boundaries on the northern side of the Lloyd Urban Release Area relating to land part zoned R1 General Residential and RU1 Primary Production.

An amendment to the WWLEP 2010 is proposed to adjust zone boundaries within the Lloyd Urban Release Area. The changes relate to the northern and southern boundaries of the residential component of the Urban Release Area.

The resolution of the final layout for the residential subdivision has resulted in lots being part zoned R1 General Residential and part zoned RU1 Primary Production. As a result Council is unable to approve residential development on the part zoned residential lots as they are cannot comply with the 200 hectare minimum lot size that applies in the RU1 zone.

The total area of land being rezoned from:

- RU1 Primary Production to R1 General Residential is 41442.663983181 square metres; and
- R1 General Residential to RU1 Primary Production is 24043.380207994 square metres.

Areas being rezoned will also require a change in the minimum lot size, land rezoned from RU1 to R1 will change from “200 ha” to “no minimum lot size”; while land being rezoned from R1 to RU1 land will change from “no minimum lot size” to “200 ha”.

The changes do not adversely affect the environmental and conservation outcomes for the Lloyd Urban Release Area and are consistent with the endorsed masterplan.

**Item 2:** Correct an anomaly in relation to minimum lot sizes affecting land at Bakers Lane and Inglewood Road.

An amendment is proposed to the lot size map to correct an anomaly created by the WWLEP 2010. The affected land is in the area bounded by Mitchell Road, Inglewood Road, Bakers Lane and a lane to the north.

The subject land was formerly zoned 1b Small Holdings (ULA) under WWDPCP 2005. It is identified within Figure 14.13, Chapter 14 of the former DCP as an area subject to 2 hectare subdivision size. The land immediately to the south was identified by Figure 14.12, Chapter 14 as an 8 hectare subdivision area. Both areas were subsequently zoned R5 Large Lot Residential under the WWLEP 2010 with an 8 hectare minimum lot size. This appears to be inconsistent in relation to the minimum lot size assigned to the land north of Inglewood Road.

The Planning Proposal seeks to reinstate the 2 hectare minimum lot size over the subject land.

The WWLEP 2010 zoning plan for the Lloyd Urban Release Area was based on the intended layout for the new residential area at the time the plan was made. The subsequent completion of the Lloyd salinity studies required changes to the layout for the initial development stages, resulting in minor inconsistencies with the LEP zoning

plan. Other minor issues with the statutory clauses of the WWLEP 2010 have also become apparent. The matters require a Planning Proposal to amend the LEP.

The Planning Proposal sets out the statutory changes that are proposed to the WWLEP 2010 as it applies to the Lloyd Urban Release Area. The Planning Proposal is included as Attachment 1 and follows the format required by the Department of Planning. The Planning Proposal includes four items which are described in turn below.

**Item 3:** Rezoning land on the north eastern side of the Lloyd urban release area from E2 Environmental Conservation to E4 Environmental Living. Change the Minimum Lot Size of the new lot to have a Minimum Lot Size of 1 hectare.

This amendment will allow an existing dwelling currently on land zoned E2 Environmental Conservation to be relocated to a newly created lot immediately adjacent to the western fringe of the new residential area. The proposed E4 Environmental Living zone correlates to the boundaries of the new lot. Since this E4 land is not considered as part of the Lloyd Urban Release area this new lot will require a new minimum lot size of 1 hectare to prevent further subdivision. The new minimum lot size will be reflected in the Minimum Lot Size Map. A building envelope, as identified on the plan that forms part of the Voluntary Planning Agreement, will be nominated in the development control plan.

The revised location for the dwelling is a better planning and environmental conservation outcome as:

- Zoning of the new lot is a best “fit” for the proposed use particularly given the context of the surrounding E2 zone
- proximity to the R1 zone is consistent with good planning and provides the opportunity for access from the residential area rather than across the environmentally sensitive E2 corridor;
- eliminating potential conflicts that would have otherwise occurred with the Wiradjuri Walking track;
- eliminating potential conflicts with asset protection zones.

**Item 4:** Adjustments to the zone boundaries to reflect the final layout of development while ensuring delivery of conservation outcomes.

Minor changes are proposed to the boundaries between land zoned E2 Environmental Conservation, R1 General Residential and RU1 Primary Production within the precinct being developed by the Diocese of Wagga Wagga. The changes reflect the final layout of the subdivision within the Lloyd West Urban Release Area and agreements between the proponent, Council and the Department of Environment, Climate Change and Water (DECCW) that are encompassed in the Voluntary Planning Agreement for the area. DECCW have advised that the revised zoning layout is consistent with the biodiversity certification of the WWLEP 2010.

The total area of land being rezoned from:

- R1 General Residential to E2 Environmental Conservation is 1438.970403 square metres;
- RU1 Primary Production to E2 Environmental Conservation is 8594.165631 square metres; and

- E2 Environmental Conservation to R1 General Residential is 13171.99505 square metres.

**Item 5:** Amend clause 6.5 of the WWLEP 2010 to provide for the progressive release of land for residential development within the Lloyd quarry while avoiding potential land use conflicts between quarry operations and future residential development.

The WWLEP 2010 was intended to make provision for progressive development of the Lloyd quarry and staged release of land for residential development. Ensuring adequate safeguards to avoid potential conflicts between future residential development and ongoing quarrying activities were key concerns, particularly to the Department of Planning.

Omission of the staged development provisions from the final plan was an oversight. As a result Clause 6.5 does not allow consideration of residential development on the quarry land. The proposed amendment seeks to make provision for staged release of land for residential development.

The intention of the revised clause is to allow sections of the quarry to be progressively released for residential development as extractive work is completed. The revised clause requires Council to be satisfied that no adverse impacts are likely between anticipated residential development and the remaining quarrying activities.

Clause 6.5 currently states:

- 1) This clause applies to land identified as the “Lloyd Quarry site” on the *Lloyd Quarry Map*.
- (2) Despite clause 6.1, development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:
  - (a) quarrying activities have ceased permanently, and
  - (b) the land has been adequately rehabilitated for the purpose of urban development.

The draft revised clause states:

- (1) This clause applies to land identified as the “Lloyd Quarry site” on the *Lloyd Quarry Map*.
- (2) Despite clause 6.1, development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that:
  - (a) the subdivision is compatible with any staging provisions for quarrying activities identified in a DCP for the land, and
  - (b) quarrying activities are not likely to recommence within any completed stages, and
  - (b) no adverse land use conflicts between future residential development and the quarrying activities is likely.
- (3) This clause will cease to apply when Council is satisfied that:
  - (c) quarrying activities have ceased permanently, and
  - (d) the land has been adequately rehabilitated for the purpose of urban development.

**Item 6:**     Reclassification of land on Red Hill Road

Schedule 4 within Part 1 of the WWLEP 2010 is proposed to be amended to reclassify Lot 16 DP835763 on Red Hill Road as operational land. The subject land is currently subject to a licence agreement between Council and the Lutheran School. The land supports infrastructure associated with the school.

The licence agreement with the school is a temporary measure pending the reclassification of the land after which it can be sold to the school. A public hearing into the reclassification would be expected to be held following receipt of the Gateway approval for the Planning Proposal.

**Item 7:**     Rezoning the business centres at Tatton, Bourkelands, Estella and Boorooma from B1 Neighbourhood Centre to B2 Local Centre.

The local business centres at Tatton, Bourkelands, Estella and Boorooma are zoned B1 Neighbourhood Centre under WWLEP 2010. The B1 zone was consistent with the retail hierarchy as envisaged during the preparation of the WWLEP 2010. However, as the LEP was finalised the status of twelve existing general “corner” stores across the urban area was changed from “neighbourhood shops” within the R1 and R3 residential zones, to zone each B1 Neighbourhood Centre.

The approach, which responded partly to submissions to the draft LEP, formalized the role of corner shops in serving the local neighbourhood in which they are located. However, it also resulted in an anomaly for the larger local shops at Tatton, Bourkelands, Estella and Boorooma.

The Planning Proposal proposes a B2 Local Centre zone for the four centres. The B2 zone is generally a “better fit” for these centres, especially as the B1 zone has been found to be unreasonably limiting the longer term role of the centres in serving the community.

Since these four centres have no minimum lot size at present, no change is recommended.

*Next steps*

Following endorsement by Council the Planning Proposal will be forwarded to the Department of Planning seeking a Gateway determination to proceed with the amendment. The Gateway decision will set out requirements for additional investigations, consultation and timing for any changes to the LEP.

**Budget**

N/A

**Policy**

Wagga Wagga Local Environmental Plan 2010  
Wagga Wagga Development Control Plan 2010

**Impact on Public Utilities**

N/A

## Link to Strategic Plan

### 6. A sustainable environment

6.4 Develop sustainable built and natural environments for current and future generations through effective land-use management and planning

### QBL Analysis

|               | Positive                                                                                                                                                                                                                                                                                                                                                                                                           | Negative |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Social        | The changes will deliver a more logical and efficient development outcomes within the Lloyd Urban Release Area and at Bakers Lane. It will also provide for a more logical, consistent development of the scarce residential land available in Lloyd. B2 zoning will allow for and protect the continued operation of traditional “corner” stores, recognises the value of such stores to their local communities. | N/A      |
| Environmental | The proposed changes respect the sensitivity of the affected lands and allow for better management of the sensitive lands within the Urban Release Area. Zoning all non “corner store” uses to B2 allows for more effective environmental management.                                                                                                                                                              | N/A      |
| Economic      | The proposed changes facilitate the highest and best use of the land. The B2 zoning confers more economic opportunity onto larger commercial sites which can accommodate a wider range of uses than permissible on land zoned B1.                                                                                                                                                                                  | N/A      |
| Governance    | The proposed changes allow for improved land management of otherwise under-used land resources.                                                                                                                                                                                                                                                                                                                    | N/A      |

### Risk Management Issues for Council

No specific issues identified.

### Internal / External Consultation

Stakeholder consultation is intended to be undertaken for a minimum period of 28 days after receipt of the gateway determination. Item 6 requires a public hearing into reclassification of land. This is expected to be part of the “gateway” decision.

### Attachments

1. Planning Proposal Changes to Lloyd Urban Release Area and Business Zones

- provided under separate cover.
- 2. Planning Proposal - section 117 directions - provided under separate cover.
- 3. Attachment A - Proposed Zoning Changes - provided under separate cover.
- 4. Attachment A1 - Zoning Changes - provided under separate cover.
- 5. Attachment B - Changes to Bakers Lane Minimum Lot Size - provided under separate cover.
- 6. Attachment C - Lloyd; E2, R1 and B2 Zoning Changes - provided under separate cover.
- 7. Attachment D - Proposed E4 Minimum Lot Size Change - provided under separate cover.
- 8. Attachment E - Additional Information: land to be reclassified - provided under separate cover.
- 9. Attachment F - Estella and Boorooma B2 Zoning Changes - provided under separate cover.
- 10. Land Zoning Map - Sheet 003B - provided under separate cover.
- 11. Land Zoning Map - Sheet 003C - provided under separate cover.
- 12. Land Zoning Map - Sheet 004D - provided under separate cover.
- 13. Minimum Lot Size Map - Sheet 004 - provided under separate cover.