

PLANNING PROPOSAL

Changes to Lloyd Urban Release Area and Business Zones

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this Planning Proposal is to amend the Wagga Wagga LEP 2010 (WWLEP 2010) by making the following changes:

- Item 1: Revise minimum lot size for land at Bakers Lane to correct a mistake in the lot size map.
- Item 2: Rezone 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.
- Item 3: Adjust zone boundaries within the Lloyd Urban Release Area to reflect the outcomes of the Lloyd Voluntary Planning Agreement and Salinity Studies. This will affect the Lloyd Urban Release Area boundaries between land zoned E2 Environmental Conservation, R1 General Residential and RU1 Primary Production (see further note on page 3). This will also require an amendment to the Lloyd Urban Release Area map.
- Item 4: Alter the zoning of business centres at Tatton, Bourkelands, Estella and Boorooma to better reflect their roles as local centres within the retail hierarchy. No changes to the Minimum Lot Size maps are required.
- Item 5: Adjust zone boundaries within the Boorooma east Neighbourhood, Northern Areas Urban Release Area to remove anomalous R1 General Residential zoned land and to reflect the final layout of the approved Plan Of Subdivision (DA10/0515). The change adjusts the boundary between land zoned R1 General Residential and land currently zoned B1 Neighbourhood centre. The required adjustment was not addressed in Council's Planning Proposal dated 24 June 2011; to alter land zoned B1 Neighbourhood Centre under the Wagga Wagga Local Environmental Plan 2010, to B2 Local Centre.

The proposed minor zone adjustments do not require alteration to the Minimum Lot Size map as the area does not currently have a minimum lot size.

PART 2 – EXPLANATION OF THE PROVISIONS

Amendment of the WWLEP 2010 as set out below:

- Item 1: Amend the WWLEP 2010 lot size map to show a 2 hectare minimum lot size over the subject land as shown in Attachment A.

Item 2: Amend the WWLEP 2010 zoning map and lot size map as shown in Attachment B and C. Attachment B shows the zoning of Lot 2 as E4 (Environmental Living). Attachment C shows Lot 2 having a proposed Minimum Lot Size of 1 hectare.

Item 3: Amend the WWLEP 2010 zoning map as shown in Attachment B which shows the revised zone boundaries. The changes result from recommendations of the Voluntary Planning Agreements and final salinity studies for the Urban Release Area and affect the boundaries between land zoned E2 Environmental Conservation, R1 General Residential and RU1 Primary Production. The changes will involve land being rezoned from:

- R1 General Residential (no minimum lot size) to E2 Environmental Conservation (200 ha minimum lot size) – the total area is 1438.970403 sq m;
- RU1 Primary Production (200 ha minimum lot size) to E2 Environmental Conservation (200 ha minimum lot size) – the total area is 8594.165631 sq m; and
- E2 Environmental Conservation (200 ha minimum lot size) to R1 General Residential (no minimum lot size) – the total area is 13171.99505 sq m.

This will also require an amendment to the Lloyd Urban Release Area map.

Item 4: Amend the zoning map to change the zoning of the business centres at Tatton, Bourkelands, Estella and Boorooma from B1 Neighbourhood Centre to B2 Local Centre as shown in Attachment B and D. Attachment B shows the zoning change from B1 to B2 in Bourkelands and Tatton. Attachment D shows the zone change from B1 to B2 in Estella and Boorooma.

Item 5: Amend the WWLEP 2010 zoning map as shown in Attachment D. (Attachment E shows the extent of B1 Neighbourhood Centre and R1 General residential zone boundaries as currently existing).

The proposed minor zone adjustments do not require alteration to the Minimum Lot Size map.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The items subject to this Planning Proposal have not been subject to specific strategic studies or reports. However, the Lloyd Urban Release Area was the subject of extensive strategic studies prior to its rezoning and release for residential development.

The Retail and Commercial Development Strategy, April 2007 prepared by Leyshon Consulting is relevant to Item 7. Background studies included:

- Lloyd Local Environmental Study (Willana, June 2002)
- Lloyd Aboriginal Study, 2005

- Lloyd Neighbourhood Rail Noise and Vibration Assessment (Bassett Acoustics, 2006)
- Assessment of Significance (Eco Logical, 2006)
- Lloyd Subdivision, Infiltration and Groundwater Recharge Assessment (EA Systems, 2008)
- Salinity Risk and Mitigation Assessment: Lloyd Subdivision, Wagga Wagga (EA Systems, 2009)
- Salinity Risk Reassessment Process and Criteria for the Lloyd Residential Subdivision (EA Systems, 2010).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

- Item 1: Yes. The subject land was subject to a 2 hectare minimum lot size under the previous planning regime. This was overlooked in the making of the WWLEP 2010 and an 8 hectare minimum lot size was mistakenly applied to the land.
- Item 2: The zoning change is necessary to accommodate an existing dwelling that is currently located on land in the E2 Environmental Conservation zone. The dwelling will be relocated to a new lot adjacent to the western edge of the new residential area. The proposed E4 zone corresponds with the new lot and is within the surrounding E2 zone land.
- A change to the minimum lot size is also necessary given the change in zoning. The new lot will have a minimum lot size of 1 hectare to prevent further subdivision.
- Item 3: Yes. The Planning Proposal is the only means to achieve the intended outcome as a change to the zoning of the affected lands is required.
- The zone boundaries are to be revised to reflect the outcomes of the Lloyd Voluntary Planning Agreements. The changes result from recommendations of the Voluntary Planning Agreements and the final salinity studies for the Urban Release Area and affect the boundaries between land zoned E2, R1 and RU1.
- Item 4: Yes. The Planning Proposal is the only means to make provision for the intended outcome which is to change the zoning of the affected lands.
- The change is consistent with the retail hierarchy established by the WWLEP 2010 in response to submissions prior to its finalization and making. This resulted in general stores located within the Wagga Wagga urban area being included within the B1 zone rather than retaining status as “neighbourhood shops” in the R1 or R3 residential zones.
- The approach formalises the role of the corner shops in serving the neighbourhood, but causes an anomaly in terms of the retail hierarchy for the larger local centres. The B1 zone has also been found to unreasonably limit the business potential of some affected centres. The proposed B2 zone will resolve this anomaly.

- Item 5: Yes. The Planning Proposal is the only means of achieving the intended outcome as a change to the zoning of the subject land is required to ensure that development can proceed in accordance with the approved Plan of Subdivision; the proposed business development is prohibited on land zoned R1 General Residential and residential accommodation is prohibited on land zoned B2 Local Centre.

3. Is there a net community benefit?

- Item 1: Yes. The imposition of an 8 hectare minimum lot size was an error at the time of the translation of the former planning controls to the WWLEP 2010. The error has unreasonably limited the development potential of the affected lands. Correcting the error will reinstate the land owner's reasonable development rights. This represents a community benefit.

- Item 2: Yes. The zone change will allow an existing dwelling on a non-complying lot within the E2 zone to be relocated to a more environmentally appropriate location. The proposed E4 zone is also a better planning outcome as it is on the eastern fringe of the E2 zone and close to the R1 (General Residential) zone. The proposal delivers improved outcomes in relation to:
- The suitability of the zone to the proposed use;
 - Proximity to the R1 area and ability to provide access to the new lot from the residential area rather than across the environmentally sensitive E2 corridor;
 - Avoiding potential conflicts that would have otherwise have occurred with the Wiradjuri Walking track;
 - Removing potential conflicts with asset protection zones.

Building envelopes will be included in the development control plan applying to the land. The building envelopes have been developed in consultation with DECCW and are documented in a Voluntary Planning Agreement between the proponent, Council and DECCW which has been exhibited and adopted by Council.

- Item 3: Yes. The changes are an outcome of the final recommendations from the Voluntary Planning Agreements and the salinity studies for the Lloyd Urban Release Area. The E2 lands at Lloyd were significant in the Minister for Climate Change and the Environment conferring biodiversity certification for the WWLEP 2010.

Any changes within the biocertified area are required to demonstrate that the effect will be to improve or maintain biodiversity outcomes. The revised zone boundaries are consistent with this requirement and are supported by a Voluntary Planning Agreement between the proponent, Council and DECCW.

- Item 4: Yes. The revised zoning of the centres to B2 reflects their emerging role as local centres. The B1 (Neighbourhood Centre) zone currently limits shops to a maximum retail floor area of 100m².

At the time of finalization of the draft LEP, twelve existing general (corner) stores across the Wagga Wagga urban area were identified and rezoned B1.

The majority of the stores were within a Residential zone and zoning them to B1 was considered to more appropriately recognise their existence and role.

The formal recognition of general stores as Neighbourhood Centres has highlighted an anomaly in the retail hierarchy of the city. A review of the intended role for the four affected centres in terms of serving the surrounding areas has confirmed that the B1 zone is unreasonably limiting the longer term role of the four centres and that a B2 Local Centre zone is generally a “better fit”.

- Item 5: Yes. The zone boundary adjustments will allow development to be approved on the land currently zoned B1 and on that portion of the land currently zoned R1, which in turn, will ensure the provision of the business services considered appropriate to a significant, developing Urban Release Area. That is, correcting the error, will ensure that the owner of the land can achieve the development rights implied by the approval of the subdivision.

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There are no applicable regional or sub-regional strategies applying to the Wagga Wagga LGA.

5. Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

All elements of the Planning Proposal are consistent with the Wagga Wagga Spatial Plan 2008.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent with relevant state environmental planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The Planning Proposal is consistent with Section 117 Directions. Details of applicable Directions are appended. The following Ministerial Directions are of particular relevance:

Direction 1.1 – Business and Industrial zones

This Direction is relevant to Item 4. The Direction encourages employment growth in suitable locations; protects employment land in business and industrial zones and to support the viability of identified strategic centres. The Direction requires planning proposals to retain the areas and locations of existing business zones and not to reduce the total potential floor space for employment uses and relation public services. Item 4 is consistent with the Direction.

Direction 1.2 – Rural Zones

Direction 1.2 requires that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Item 3 is inconsistent with Direction 1.2 as the zone boundary adjustments in part include a change from RU1 Primary Production to R1 General Residential. The affect of the zone change is considered to be of minor significance, particularly in the context of the broader Lloyd masterplan and related agreements. In particular, the RU1 zone in Lloyd applies to land that in part comprises woodland regeneration.

Direction 1.5 – Rural Lands

Direction 1.5 does not apply to items 1 and 2.

Although item 3 is inconsistent with the Rural Planning and Subdivision Principles in the *Rural Lands State Environmental Planning Policy (2008)*, as it rezones RU1 Primary Production to E2 however it is of minor significance as the Planning Proposal affects a relatively small portion of the RU1 land (being an area of 0.85ha)

Direction 2.1 – Environment Protection Zones

Environment Protection Zones is relevant to Item 2 and 3. Item 2 is inconsistent with this Direction as it seeks to rezone part of the E2 corridor within Lloyd to an E4 zone. However, the inconsistency is of minor significance as the Planning Proposal affects a relatively small portion of the E2 land (being an area of 1.5ha) while delivering improved outcomes to the broader E2 zone. This by facilitating relocation of a residential use closer to the future residential area thereby:

1. Eliminating the need for access across the environmentally sensitive land;
2. Delivering improved outcomes for asset protection zones;
3. Eliminating likely disruption to the Wiradjuri Walking track;
4. Avoiding potential disturbance to views towards the Lloyd future urban area.

Item 3 is inconsistent with this direction as it seeks to rezone land from E2 to R1 and RU1. However it is of minor significance as the Planning Proposal seeks to rezone 1.3 ha of E2 land to R1 but is returning 1 ha to E2. The loss of 0.3ha is of minor significance.

All items are consistent with Direction 2.3 Heritage Conservation and Direction 4.4 Planning for Bushfire Protection.

Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The proposed boundary adjustments are consistent with the approved masterplan for the Lloyd Urban Release Area and the Northern Urban Release Area and are therefore consistent with the area's biocertification. The changes will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats. The other items do not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

DECCW have advised that the proposed amendment to the E2 zone land will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats. The other items do not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other known environmental effects that could arise from the Planning Proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The changes (Item 1) offer improved outcomes for future residents of Lloyd, Bakers Lane and the broader Wagga Wagga area. Both are relatively minor items and either correct anomalies from the process of transferring land use provisions from the former regime to the Standard Instrument or comprise adjustments that have occurred as a result of subsequent refinement of development proposals.

Items 2 and 3 provide improved outcomes for future residents of Lloyd and the broader Wagga Wagga area as conflicts with the environmentally sensitive E2 land are avoided. The changes also reduce potential servicing costs which will reduce pressures on the costs of new housing. Protecting the integrity of the Wiradjuri Walking track is also an important social benefit of the changes.

The current B1 zone introduced as Item 4 has been found to be unreasonably limiting the development potential of some centres. The rezoning of the local centres to a B2 zone better reflects the role the four centres play in the retail hierarchy of Wagga Wagga.

Item 5 will offer improved outcomes for future residents of Boorooma East, the Northern Areas Urban Release Area and the broader Wagga Wagga area. The adjustments to the zone boundaries are minor and correct anomalies carried over from the making of the WWLEP 2010. The changes will ensure that development of this important business centre can progress to the benefit of the local and wider communities.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Yes. The Planning Proposal does not alter the public infrastructure requirements for the Lloyd Urban Release Area or any other locality. The infrastructure requirements for the area have been determined as part of the planning studies which supported the identification of the Lloyd Urban Release Area within the WWLEP 2010.

The changes affecting Bakers Lane area reinstate previously existing development rights and will not alter likely demand for public infrastructure services.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Item 1: No other consultation has been carried out with State or Commonwealth public authorities at this stage. Council anticipates that the Department of Planning and Infrastructure will issue the appropriate advice as part of the gateway determination.

Items 2 and 3: DECCW has advised that it supports the amendment to the E2 zoned land contained within Item 2. Item 3 is subject to a Voluntary Planning Agreement between the proponent, Council and DECCW. No other consultation has been carried out with State or Commonwealth public authorities. Council anticipates that the Department of Planning and Infrastructure will issue the appropriate advice as part of the gateway determination.

Items 4 and 5: No state or commonwealth agencies have been consulted at this stage. Council anticipates that the Department of Planning and Infrastructure will issue the appropriate advice as a requirement of the gateway determination.

PART 4 – COMMUNITY CONSULTATION

Any further requirements for community consultation will remain at the discretion of the Department of Planning and Infrastructure as allowed for at the time of gateway determination.