

Planning and Assessment

IRF19/7182

Gateway determination report

LGA	Wagga Wagga
PPA	Wagga Wagga City Council
NAME	Amendment of the Lot size map applying to Lot 176 DP757253, Tumbarumba Road, Ladysmith (1 home, 0 jobs)
NUMBER	PP_2019_WAGGA_010_00
LEP TO BE AMENDED	Wagga Wagga LEP 2010
ADDRESS	8979 Tumbarumba Road, Ladysmith
DESCRIPTION	Lot 176 DP757253
RECEIVED	28 October 2019
FILE NO.	IRF19/7182
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend the Lot size map applying to Lot 176, DP757253, 8979 Tumbarumba Road, Ladysmith from 200ha to 2ha to facilitate the development of one residential dwelling.

1.2 Site description

Lot 176 DP757253 is a vacant, largely rectangular lot, approximately 2.2ha in area, with frontage to Tumbarumba Road to the east, and Kyeamba Creek to the west. The site is largely cleared, containing scattered trees increasing with proximity to the riparian area adjoining the creek (see figure 1).



Figure 1: Subject land (Source: sixmaps.nsw.gov.au)

1.3 Existing planning controls

The subject land is zoned RU1 Primary Production under the Wagga Wagga LEP 2010. Dwellings are permissible with consent in the RU1 zone. The LEP also establishes a minimum lot size of 200ha. Maps illustrating the zoning and lot size applicable to the area are shown below.

The subject land adjoins the existing R5 Village zone to the south, which has no minimum lot size applying, and to the north and west, adjoins other RU1 zoned land also characterised by the 200ha lot size standard (See figures 2 and 3).



Figure 2: Land zoning (Source: planningportal.nsw.gov.au)

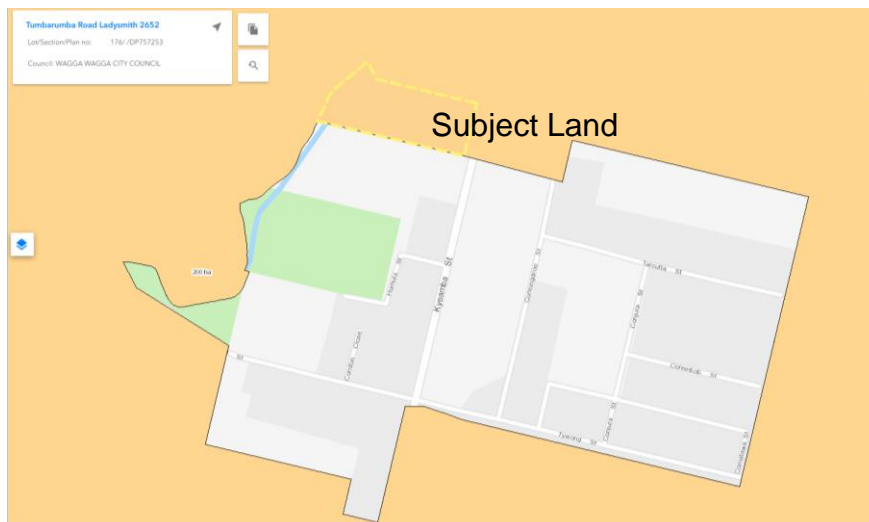


Figure 3: Lot size (Source: planningportal.nsw.gov.au)

1.4 Surrounding area

As per figure 4 below, the surrounding area is characterised by a mix of open rural lands immediately to the west and north, as well as a mix of larger lot rural residential lots, and the more densely populated but small in area village of Ladysmith, which is itself, surrounded by relatively cleared farmland on all sides.



Figure 4: Locality (Source: sixmaps.nsw.gov.au)

1.5 Summary of recommendation

Proceed with condition – The planning proposal is to be updated prior to consultation to consolidate the applicant submitted planning proposal with the Council addendum.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the planning proposal are to facilitate the potential development of a new residential dwelling on a 2.2ha lot on the outskirts of the town of Ladysmith. The objectives are clear within the proposal.

2.2 Explanation of provisions

The planning proposal seeks to amend Wagga Wagga LEP 2010 Lot size map LSZ_004I to reduce the minimum lot size from 200ha to 2ha for the subject lot. The provisions being changed are clear within the proposal.

2.3 Mapping

The mapping included within the planning proposal are considered adequate for the purpose of community consultation. Council will be required to prepare mapping in accordance with the LEP mapping guidelines prior to finalising the LEP amendment.

3. NEED FOR THE PLANNING PROPOSAL

The proposal states that amendment to the LEP is required as it is the only way a dwelling can be approved on the subject lot, as there are no current dwelling entitlements.

It is acknowledged that the planning proposal's proposed reduction in minimum lot size is the only viable mechanism to allow a dwelling on the existing lot. Further, lot consolidation to achieve the existing 200ha development standard is not practical noting existing small lots surrounding the subject land, and the creek line that separates the lot from the broader farm land to the west.

4. STRATEGIC ASSESSMENT

4.1 State

NSW State planning framework is not relevant to this planning proposal given the nature and small scale of what is proposed.

4.2 Riverina Murray Regional Plan 2036

Land within the Wagga Wagga LGA is subject to the Riverina-Murray Regional Plan 2036. The planning proposal states that it is consistent with the following Directions of the Regional Plan;

- Direction 1 (Protect the regions diverse and productive agricultural land)
- Direction 22 (Promote the growth of regional cities and local centres)
- Direction 25 (Build housing capacity to meet demand)
- Direction 26 (Promote greater housing choice)
- Direction 27 (Manage Rural residential development)

These directions are considered relevant to determining the strategic merit of the planning proposal. The proposal represents one additional 'rural residential' dwelling on an existing undersize (2.2ha) RU1 zone lot adjacent to the existing village zone. The lot is well positioned to capitalise on existing services and infrastructure within the village, providing an additional housing opportunity, and to provide for rural lifestyle housing choice without further fragmenting viable agricultural land holdings. The lot is in an area previously identified for future growth by Council and therefore the proposal is considered to be generally consistent with the Regional Plan.

4.3 Local

The proposal is considered by Council to be consistent with its Department endorsed, Wagga Wagga Spatial Plan 2013-2043 as it represents an additional dwelling in an area providing rural lifestyle opportunities in proximity to and supporting growth of existing urban areas, and in proximity to sewer infrastructure.

Council's assessment of consistency with Wagga Wagga Spatial Plan is considered to have merit. The plan identifies the area as a "potential urban area", and it is acknowledged that the lot is well placed for any future dwelling development to lever off existing services and infrastructure of Ladysmith, to provide additional housing choice and assisting the future viability of the village.

The proposal is also considered consistent with Council's Integrated Transport Strategy and Implementation plan 2040, noting close proximity to the existing village, and future dwellings/population in the area will assist in the viability of public transport networks.

4.4 Section 9.1 Ministerial Directions

Council's planning proposal identified the following applicable Section 9.1 Ministerial Directions and provided the following assessment of consistency. A summary of these is presented below;

1.2 Rural Zones – Inconsistent as the proposal increases permissible density of rural zoned land. The inconsistency is justified through inclusion of the land within the Department endorsed Wagga Wagga Spatial Plan 2013-2043.

1.5 Rural Lands – Consistent as the proposal is consistent with the Department endorsed Wagga Wagga Spatial Plan 2013-2043.

3.4 Integrating Land Use and Transport – Consistent as the proposal is for an additional dwelling lot adjacent to existing an existing village, which is within close proximity to local services and will promote pedestrian and cycling within the village.

4.3 Flood Prone Land – Consistent as development is not proposed in a floodway. There is adequate space on the eastern portion of the side for a flood free dwelling site. The assessment is supported by flood studies/mapping undertaken in 2014.

Comment

Council's review of applicable Section 9.1 Ministerial Directions is considered appropriate. The subject land has limited agricultural use due to its small scale and location. The site was included as land identified by Council for future residential development in the Department endorsed Wagga Wagga Spatial Plan 2013-2043, and is able to provide a building envelope unaffected by flooding and with little to no other environmental impacts. Any inconsistency is considered either minor or justified by an endorsed Strategy.

4.5 State environmental planning policies (SEPPs)

Council's planning proposal has identified the following applicable SEPP's, and provided the following assessment of consistency;

SEPP 55 Remediation of Land – The subject land is zoned RU1(Primary Production), and some agricultural land uses have the potential to cause contamination. There are, however, no known uses that would have caused contamination on the subject site.

SEPP Primary Production and Rural Development 2019 – The planning proposal is consistent with the aims of the SEPP as the subject land is not significant agricultural land and the proposal to allow a dwelling will reduce the sterilisation of the land.

Comment

Council's review of applicable SEPPs is considered appropriate. The site has limited agricultural use due to scale and location and is unlikely to have any significant contamination issues for the same reason.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposal will facilitate the potential development of one dwelling on the site, leading to a positive social benefit to the landowner. No other significant social impacts are foreseen.

Council's analysis of the social impacts is considered appropriate. A small social gain will be made for the involved land owner.

5.2 Environmental

The proposal identifies that the subject site does not contain any known critical habitat, threatened species or ecology that would be affected as a result of the proposal, and that there is sufficient flood free area for the development of a dwelling.

Council's analysis of the environmental impacts is considered appropriate. The land is largely cleared land and the development of one new residential dwelling can be sited to avoid existing trees and outside any flood affected land. One additional

dwelling is unlikely to cause any significant incompatibility with surrounding land uses, which is predominantly also residential land use.

5.3 Economic

The proposal identifies that the one additional dwelling will be provided within an existing community and positively benefit the local school and shop.

Council's analysis of the economic impacts is considered appropriate. The small-scale development made permissible by the proposed amendment would have minimal economic effect although may contribute positively to the viability of the existing school and local shop. No upgrades to infrastructure or services are foreseen.

5.4 Infrastructure

The provision and funding for state infrastructure is not considered relevant to this proposal. Council have indicated that the planning proposal will require an extension of the sewerage delivery servicing plan to include this additional lot and are placed to manage as a local issue.

6. CONSULTATION

6.1 Community

Council has proposed a 28-day community consultation period. This is considered appropriate for the minor LEP amendment proposed.

6.2 Agencies

The proposal has not proposed any agency consultation and notes that the Gateway will stipulate any required consultation.

Noting the scale and nature of the proposal, no agency consultation is considered necessary.

7. TIME FRAME

Council have proposed to finalise this LEP amendment by June 2020. It is therefore considered appropriate to provide a 12-month timeframe for completion, allowing for any unexpected delays during the process.

8. LOCAL PLAN-MAKING AUTHORITY

Wagga Wagga Council have requested to be the local plan-making authority. Given the minor nature of the proposed amendment, and Council's experience in finalising other amendments, it is considered that Council should be authorised to be the local plan making authority.

9. CONCLUSION

The planning proposal is supported to proceed. The subject lot represents just 1% of the existing minimum 200ha lot size standard, is located adjacent to the existing village and surrounded by dwellings on small lots. The lot is not considered to represent a viable agricultural lot and as such, the application of a 2ha lot size to facilitate a 'rural residential lifestyle' use under the current RU1 zone is supported.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Directions 1.2 Rural Zones are minor or justified;

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.
4. The planning proposal is to be updated prior to community consultation to incorporate the addendum prepared by Council.



19/11/2019

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25/11/2019

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