

RP-6 REZONE PART LOT 1 DP 1013392 FROM RU1 PRIMARY PRODUCTION TO R5 LARGE LOT RESIDENTIAL AND REZONE PART LOT 2 DP 1065108 FROM R5 LARGE LOT RESIDENTIAL TO RU1 PRIMARY PRODUCTION - DUNN'S ROAD SPRINGVALE

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Recommendation

That Council forward the planning proposal for the change of zones and minimum lot sizes over the subject land to the Department of Planning and Infrastructure under Section 56(1) of the Environmental Planning and Assessment Act, requesting that the Minister issue a “gateway determination” that will allow the planning proposal to proceed.

Report

Background

The purpose of this report and attached Planning Proposal is to facilitate the proposed subdivision of part Lot 1 DP 1013392 and part Lot 2 DP 1065108 in proximity to Dunn's Road, Springvale.

In May 2011 the owner of Lot 1 DP 1013392 and Lot 2 DP 1065108 approached Council regarding their proposed Dunn's Road subdivision. The proposed subdivision would have required direct access to Dunn's Road and the costs associated with upgrading the road to service the subdivision was not commercially viable. It was proposed that a land zoning swap between RU1 Primary Production and R5 Large Lot Residential and vice-versa with an associated change in the minimum lot size would assist to facilitate the proposed subdivision, minimise traffic implications and also minimise associated costs by removing the need for access to Dunn's Road.

The current R5 Large Lot Residential in that area has a Minimum Lot Size of 8 hectares. This will not allow the proposed subdivision's configuration to proceed. Therefore the proposal is to change the Minimum Lot Size from 8 hectares to 2 hectares for the proposed subdivision.

Discussions with NSW Office of Environment and Heritage identified the need for a seven part test in accordance with the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* and the *NSW Threatened Species Conservation Act 1995* as part of the subdivision fell outside of the Biodiversity Certification area. This seven part test is attached to this report.

Should this report receive the endorsement of Council, a win/win outcome will be realised. The planning proposal has the support of the applicant.

Planning Proposal

The purpose of this Planning Proposal is to rezone part Lot 1 DP 1013392 from RU1 Primary Production to R5 Large Lot Residential and rezone part Lot 2 DP 1065108 from R5 Large Lot Residential to RU1 Primary Production with associated minimum lot size changes. The current R5 minimum lot size of 8 hectares will not allow the proposed configuration of lots to proceed. Therefore the proposal will seek a change in the minimum lot size from 8 hectares to 2 hectares for the proposed subdivision.

This Planning Proposal will require changes to both Land Zoning and Minimum Lot Size maps.

Next Steps

Following endorsement by Council, the Planning Proposal will be forwarded to the Department of Planning and Infrastructure seeking a Gateway determination to proceed with the amendment. The Gateway decision will set out requirements for any additional investigations, consultations and the timing of any required changes to the WWLEP 2010.

Budget

N/A

Policy

Wagga Wagga Local Environmental 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 proposed rezoning will provide the community with more zoned land for rural purposes. While providing an appropriate transitional zone between rural residential and rural land and minimising any future land use conflicts in the locality.	N/A
Environmental	The proposed RU1 land will protect the localities biodiversity values.	N/A
Economic	The subdivision will reduce the potential adverse impacts and infrastructure costs on Dunns Road.	N/A
Governance	N/A	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.

Attachments

1. Planning Proposal - Dunns Road Rezoning.
2. Planning Proposal - Section 117 directions.
3. Attachment A - Figure 1.3 E_rezoning Plan.
4. Attachment B - Site ID Map - Dunns Road Minimum Lot Size.
5. Attachment C - Dunns Road Rezoning: Ecological Assessment March 2012 - (Provided under separate cover).
6. Site ID Map - Dunns Road Proposed Land Zoning .