

PLANNING PROPOSAL

Rezone part of Lot 1 DP 1013392 from RU1 Primary Production to R5 Large Lot Residential and rezone part of Lot 2 DP 1065108 from R5 Large Lot Residential to RU1 Primary Production

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

- Item 1: To rezone part of 7159 Holbrook Road, Springvale (Lot 1 DP 1013392) from RU1 Primary Production to R5 Large Lot Residential.
- Item 2: To rezone part of Dunn's Road, Springvale (Lot 2 DP 1065108) from R5 Large Lot Residential to RU1 Primary Production. This zone change will require a change in the Minimum Lot Size map to comply with the surrounding RU1 Primary Production zone. This area will be changed from an 8 hectare MLS to a 200 hectare MLS.
- Item 3: In order for the proposed subdivision to proceed, a change in the minimum lot size is required for the R5 Large Lot Residential land. A change from 8 hectares MLS to 2 hectare MLS is required for the proposed subdivision. A 2 ha MLS is consistent with the surrounding subdivision pattern of the area.

PART 2 – EXPLANATION OF THE PROVISIONS

- Item 1: Amend the WWLEP 2010 zoning map as shown in Attachment A. Attachment A shows the adjusted zone boundaries from RU1 Primary Production to R5 Large Lot Residential and vice-versa. The amount of land in Lot 1 DP 1013392 being rezoned from RU1 Primary Production to R5 Large Lot Residential is approximately 78,185 m² (7.8185 hectares).
- Item 2: Amend the WWLEP 2010 zoning map as shown in Attachment A. Attachment A shows the adjusted zone boundaries from R5 Large Lot Residential to RU1 Primary Production. The amount of land in Lot 2 DP 1065108 being rezoned from R5 Large Lot Residential to RU1 Primary Production is approximately 131,093 m² (13.1093 hectares).
- Amend the WWLEP 2010 Minimum Lot Size map as shown in Attachment B. Attachment B shows the adjusted Minimum Lot Size from 8 hectares to 200 hectares for the RU1 Primary Production land.
- Item 3: Amend the WWLEP 2010 Minimum Lot Size map as shown in Attachment B. Attachment B shows the adjusted Minimum Lot Size for the R5 Large Lot Residential from 8 hectares to 2 hectares. This reduction in the Minimum Lot Size for this R5 zoned land will allow for the subdivision of this land to occur and is consistent with the surrounding subdivision pattern.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

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

No. The items subject to this Planning Proposal have not been subject to specific strategic studies or reports. However, The NSW Office of Environment and Heritage indicated that because part of the area fell outside of Council's Biodiversity Certification area that the applicant would have to submit a seven part test in accordance with *NSW Threatened Species Conservation Act 1995* and *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* which is attached to this proposal (Attachment C).

The report entitled *Dunns Road Rezoning: Ecological Assessment March 2012* indicates the proposed subdivision could potentially have ecological impacts as a result of this proposal but they are of a minor nature and mitigation measures have been detailed in the report.

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

Yes. The current 8 hectare Minimum Lot Size (MLS) for this area will not allow the proposed subdivision to occur. Therefore to allow the proposed development to occur a change from 8 hectare MLS to a 2 hectare MLS is required. However to ensure no further development or rural fragmentation and to prevent any further development west of Dunn's Road part of Lot 2 DP 1065108 is to be rezoned from R5 Large Lot Residential to RU1 Primary Production with the associated change in the Minimum Lot Size to 200 hectares.

3. Is there a net community benefit?

Yes. A change in the R5 Large Lot Residential Minimum Lot Size from 8 hectares to 2 hectares will allow a small amount of rural residential land to be developed whilst minimising the amount of rural land fragmentation in the surrounding area. This also increases the amount of residual rural land and protecting biodiversity. In addition to reducing potential adverse impacts and therefore infrastructure costs on Dunn's Road.

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 Community Strategic Plan 2011-2021.

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 1.2 – Rural Zones

The Planning Proposal is inconsistent with this direction as it seeks to rezone RU1 Primary Production land to R5 Large Lot Residential. However this is of minor significance as the proposal seeks to rezone R5 Large Lot Residential to RU1 Primary Production to protect biodiversity certified land. The result of the proposal will be an increase in the area of residual RU1 land. Therefore the proposal is consistent with this direction.

Direction 1.5 – Rural Lands

Item 1 of the Planning Proposal is inconsistent with this direction as it seeks to rezone RU1 Primary Production land to R5 Large Lot Residential and in addition, to change the minimum lot size for rural land as well. However it is of minor significance as Item 2 will return more RU1 Primary Production land. In turn, Item 2 consistency ameliorates any impacts that may have resulted from Item 1 inconsistency which is consistent with the Rural Planning Principles contained in the *State Environmental Planning Policy (Rural Lands) 2008* as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

Item 2 consistency ameliorates any impacts that may have resulted from Item 1 inconsistency this is also consistent with the Rural Subdivision Principles contained in the *State Environmental Planning Policy (Rural Lands) 2008* as follows:

- (a) the minimisation of rural land fragmentation,*

- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*
- (d) the consideration of the natural and physical constraints and opportunities of land,*
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.*

Due to the size of this land they will be unable to subdivide any further rural land thereby complying with the Rural Planning Principles in *SEPP (Rural Lands) 2008*. Furthermore there will be no rural land use conflicts as the existing R5 Large Lot Residential land is considered to be rural residential land which provides an appropriate transition from residential land to rural land thereby complying with the Rural Subdivision Principles listed in the *SEPP (Rural Lands) 2008*. Item 2 consistency ameliorates any impacts that may have resulted from Item 1 inconsistency. This Planning Proposal is consistent with this direction.

Direction 2.1 – Environment Protection Zones

The Planning Proposal is consistent with this direction. See Attachment C for further details.

Direction 2.3 – Heritage Conservation

The Planning Proposal is consistent with this direction.

Direction 3.1 – Residential Zones

The Planning Proposal is consistent with this direction.

Direction 4.3 – Flood Prone Land

The Planning Proposal is consistent with this direction.

Direction 4.4 – Planning for Bushfire Protection

The Planning Proposal is consistent with this direction.

Direction 6.1 – Approval and Referral Requirements

The Planning Proposal is consistent with this direction.

Direction 6.3 – Site Specific Provisions

The Planning Proposal is consistent with this direction.

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. Even though part of the land being rezoning falls outside of the Biodiversity Certification area the impacts of the development are assessed in Attachment C. However, the changes (within the Biodiversity Certification area) 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 rezoning of part of Lot 1 DP 1013392 will provide the community with more zoned land for rural residential purposes. While the rezoning of part of Lot 2 DP 1065108 will provide an appropriate transitional zone between rural residential and rural land. Thereby minimising any future land use conflicts in the locality. It is expected that there will be no negative economic effects as a result of this proposal.

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 Springvale local area or its surrounds. There are no significant public infrastructure costs associated with the Planning Proposal.

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

No State or Commonwealth public authorities have been consulted in the process of preparing this Planning Proposal.

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.