

Planning and Assessment

IRF19/7263

Gateway determination report

LGA	Wagga Wagga
PPA	Wagga Wagga City Council
NAME	Planning proposal to reduce the minimum lot size of land at the corner of Brindabella Drive, Tatton and Plumpton Road, Springvale from 2000 square metres to 1400 square metres (14-16 homes)
NUMBER	PP_2019_WAGGA_011_00
LEP TO BE AMENDED	Wagga Wagga LEP 2010
ADDRESS	Brindabella Drive, Tatton and Plumpton Road, Springvale
DESCRIPTION	Part Lot 334 DP 1222593 Lot 333 DP 1222593 Lot 332 DP 1222593 Lot 331 DP 1222593 Lot 330 DP 1222593 Lot 329 DP 1222593 Lot 328 DP 1222593 Lot 12 DP 1255246 Lot 11 DP 1255246 Lot 1 DP 1255246 Lot 2 DP 1255246 Lot 3 DP 1255246 Lot 4 DP 1255246 Lot 5 DP 1255246 Lot 6 DP 1255246 Lot 7 DP 1255246 Lot 8 DP 1255246 Lot 9 DP 1255246 Lot 10 DP 1255246
RECEIVED	8 November 2019
FILE NO.	IRF19/7263
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 reduce the minimum lot size applying to land at the corner of Brindabella Drive, Tatton and Plumpton Road, Springvale from 2000 square metres to 1400 square metres.

1.2 Site description

The site is situated at the corner of Brindabella Drive, Tatton and Plumpton Road, Springvale. An unmade road, Belmore Place, also traverses the site.

As shown in **Figure 1**, the site comprises a mixture of undeveloped lots and three existing dwellings. Vegetation cover on the site is limited to the areas surrounding existing dwellings and along fence lines and existing internal accesses.



Figure 1: Aerial photograph of the site

Source: maps.six.nsw.gov.au

1.3 Existing planning controls

A minimum lot size of 2000 square metres applies to the site under the Wagga Wagga LEP 2010. The site is zoned R5 Large Lot Residential.

1.4 Surrounding area

The site is within an existing residential area at the intersection of the suburbs of Tatton and Springvale.

As shown in **Figure 2**, the surrounding area consists primarily of residential development. Land to the north west of the site is zoned R1 General Residential and land to west and south of the site is zoned R5 Large Lot Residential.

A golf course adjoins the eastern side of Plumpton Road and separates the site from the suburb of Lake Albert.



Figure 2: Aerial photograph of the site and surrounding area

Source: maps.six.nsw.gov.au

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to the following conditions:

- Consultation is required with Department of Planning, Industry and Environment - Environment, Energy and Science (Floodplain Management);
- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 12 months.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcome of the planning proposal is to enable additional subdivision opportunities on the site.

2.2 Explanation of provisions

The planning proposal seeks to achieve the intended outcome by amending Wagga Wagga LEP 2010 Lot Size Map LSZ_004E to reduce the applicable minimum lot size from 2000 square metres to 1400 square metres. **Figure 3** illustrates the proposed amendment to the Lot Size Map.

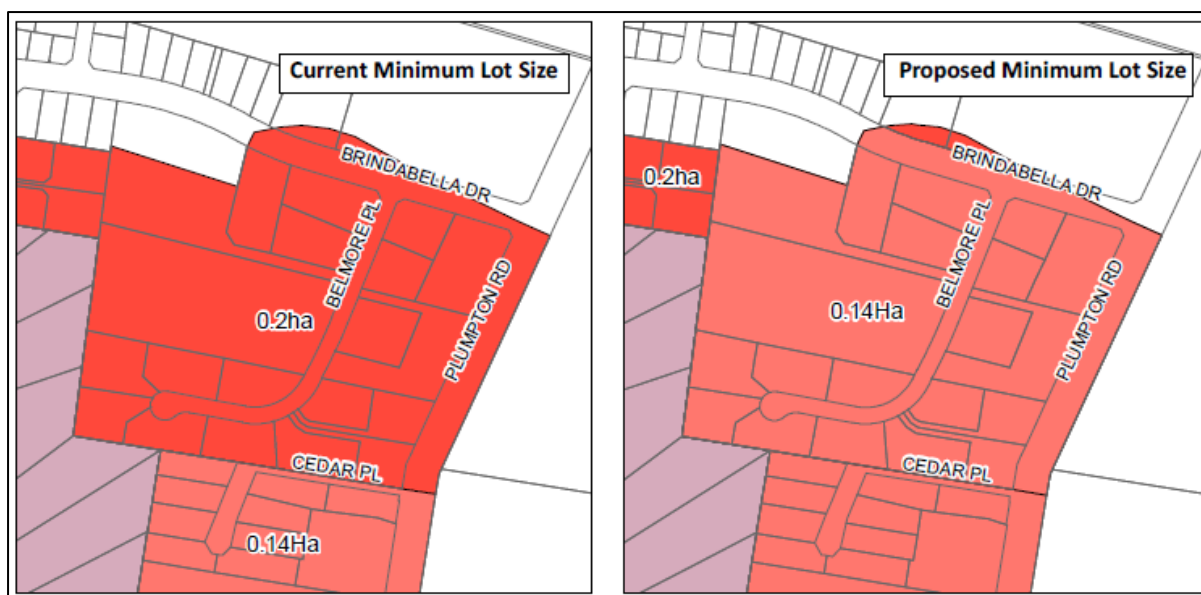


Figure 3: Existing and proposed Lot Size Maps

Source: Wagga Wagga City Council

2.3 Mapping

The maps included in the planning proposal do not clearly identify the existing and proposed lot size. It is recommended that the Gateway determination require the planning proposal be revised prior to community consultation to clearly identify the existing and proposed lot size on the indicative LEP maps.

3. NEED FOR THE PLANNING PROPOSAL

As illustrated in **Figure 3**, the area immediately south of the site is zoned R5 Large Lot Residential with a minimum lot size of 1400 square metres. The planning proposal states that extending this lot size to the north will lead to a more consistent development pattern along the section of Plumpton Road between Brindabella and Springvale Drive.

The planning proposal states that applying a 1400 square metre minimum lot size to the site is likely to enable the creation of 14-16 lots via the subdivision of Lot 11 DP 1255246 and Lot 12 DP 1255246. While reducing the minimum lot size has the potential to lead to further subdivision within the site boundary, this would require the consolidation of existing lots, most of which are affected by overland flow flooding.

Given the site forms part of the interface between the residential suburb of Tatton and the large lot residential development which characterises Springvale, it is unlikely that the planning proposal will lead to a development outcome which is inconsistent with the existing character and land use pattern of the surrounding area.

Despite being partially affected by overland flow flooding, the site is suitably located to facilitate additional subdivision opportunities as it is within an existing residential area with access to essential infrastructure and services.

The planning proposal is the best means of achieving the intended outcome of enabling additional subdivision opportunities on the site.

4. STRATEGIC ASSESSMENT

4.1 State

There is no applicable state strategic planning framework.

4.2 Regional / District

Land in the Wagga Wagga LGA is subject to the Riverina Murray Regional Plan 2036. The planning proposal states that it is consistent with the Regional Plan and identifies the following Directions as applicable:

- Direction 16: Increase resilience to natural hazards and climate change
- Direction 22: Promote the growth of regional cities and local centres
- Direction 25: Build housing capacity to meet demand
- Direction 26: Provide greater housing choice
- Direction 27: Manage rural residential development
- Direction 28: Deliver healthy built environments and improved urban design

The planning proposal is consistent with the Regional Plan as it seeks provide additional housing through infill development within an established residential area with access to existing infrastructure and services.

Although the site is partially affected by overland flow flooding, the planning proposal states that additional subdivision opportunities are likely to be limited to the portion of the site which is not subject to flooding.

4.3 Local

The planning proposal states that it is consistent with the Wagga Wagga Spatial Plan 2013/43.

The planning proposal is consistent with the Spatial Plan as it seeks to provide additional housing through infill development within an established residential area with access to existing infrastructure and services.

4.4 Section 9.1 Ministerial Directions

2.3 Heritage Conservation

The planning proposal identifies Direction 2.3 Heritage Conservation as applicable. However, the direction is not applicable as the planning proposal does not affect any items, areas, objects or places of environmental or indigenous heritage significance.

3.1 Residential Zones

The planning proposal identifies Direction 3.1 Residential Zones as applicable. The direction is applicable as the planning proposal affects land within an existing residential zone.

The planning proposal states that it is consistent with the terms of this direction as it seeks to enable additional subdivision opportunities within an existing residential area with access to existing infrastructure and services.

The planning proposal is consistent with the direction as it seeks to increase housing choice by applying a minimum lot size consistent with the site's location at the interface of residential and large lot residential areas. By facilitating infill development within an existing residential area, the planning proposal also seeks to

make more efficient use of existing infrastructure and services and reduces the consumption of land for housing on Wagga Wagga's urban fringe.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

3.3 Home Occupations

The planning proposal identifies Direction 3.3 Home Occupations as applicable. However, the direction is not applicable as the planning proposal does not affect the permissibility of home occupations in the R5 Large Lot Residential Zone under the Wagga Wagga LEP 2010.

3.4 Integrating Land Use and Transport

The planning proposal identifies Direction 3.4 Integrating Land Use and Transport as applicable. The direction is applicable as the planning proposal seeks to alter a provision relating to urban land.

The planning proposal states that it is consistent with the terms of this direction as the site is within an existing urban zone with access to Wagga Wagga's transport network.

The planning proposal seeks to facilitate additional development within an established residential area with access to existing infrastructure and services. Accordingly, the planning proposal is considered to be consistent with this Direction.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

4.3 Flood Prone Land

The planning proposal identifies Direction 4.3 Flood Prone Land as applicable. The direction is applicable as the planning proposal seeks to alter a provision on land affected by overland flow flooding.

The planning proposal states that there is insufficient information to determine the proposals consistency with the terms of this direction.

The planning proposal identifies the eastern portion of the site as subject to overland flow flooding. The Wagga Wagga Overland Flow Flood Study 2011 identifies the site as subject to a low hazard flood categorisation in a 1% AEP flood event.

Council is in the process of preparing a new Major Overland Flow Flood Risk Management Study and Plan. Council has advised that this is likely to be completed by mid 2020.

Given the planning proposal is not supported by up-to-date flood information, it is recommended that the proposal's consistency with the terms of the direction remain unresolved pending consultation with the Department's Environment, Energy and Science Group (Floodplain Management).

Recommendation: That the planning proposal be subject to consultation with Department of Planning, Industry and Environment – Environment, Energy and Science (Floodplain Management) prior to determining the proposals consistency with the Direction.

5.10 Implementation of Regional Plans

The planning proposal identifies Direction 5.10 Implementation of Regional Plans as applicable. The direction is applicable as the planning proposal affects land subject to the Riverina Murray Regional Plan 2036.

The planning proposal states that is consistent with the terms of this direction as it seeks to enable additional subdivision opportunities within an existing residential area with access to existing infrastructure and services.

As noted above, the planning proposal is generally consistent with the overall intent of the Riverina Murray Regional Plan 2036. A full assessment of the planning proposal's consistency with the Regional Plan is provided above in the Strategic Assessment section.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

6.1 Approval and Referral Requirements

The planning proposal identifies Direction 6.1 Approval and Referral Requirements as applicable. However, the direction is not applicable as the planning proposal does not include provisions that require concurrence, consultation or referral or identify development as designated development.

4.5 State environmental planning policies (SEPPs)

The planning proposal identifies State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) as applicable given the site is known to have been used for agricultural purposes in the past.

As the planning proposal does not seek to rezone or change the use of the land, Clause 6 of the SEPP does not apply.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal states that additional residential development on the site will contribute to the local economy and make more efficient use of existing infrastructure and services.

Noting the planning proposal seeks to apply the same minimum lot size as land immediately south of the site, it is unlikely that the development outcome will be inconsistent with the existing character and land use pattern of the surrounding area.

For these reasons, it is unlikely that the planning proposal will result in any negative social impacts.

5.2 Environmental

As noted above, the planning proposal identifies the site as subject to overland flow flooding. **Figure 4** illustrates the extent to which the site is flood affected.

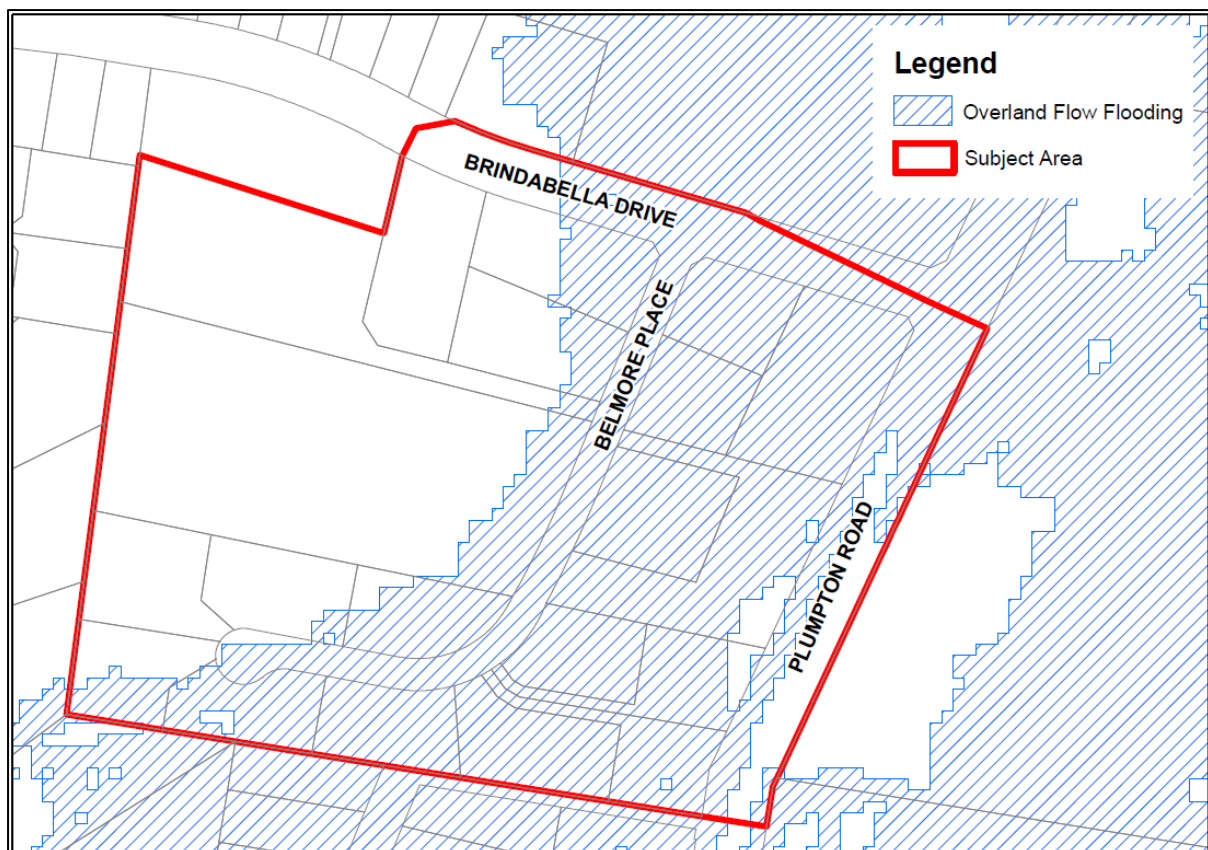


Figure 4: Overland flow flooding mapping on the site

Source: Wagga Wagga City Council

The Wagga Wagga Overland Flow Flood Study 2011 identifies the site as subject to a low hazard flood categorisation in a 1% AEP flood event.

The planning proposal states that reducing the minimum lot size to 1400 square metres will facilitate the subdivision of 14-16 lots. In accordance with the planning proposal, most of these lots would be created via the subdivision of Lot 11 DP 1255246 and Lot 12 DP 1255246 (see **Figure 1**).

Although the western portion of the site is not known to be affected by overland flow flooding, the on and off-site impacts of increasing residential densities across the site are unclear. Accordingly, it is recommended that the Gateway determination require consultation with EES (Floodplain Management) to determine whether the planning proposal should proceed prior to the completion of Council's Major Overland Flow Flood Risk Management Study and Plan.

5.3 Economic

The planning proposal states that, as the site is within an existing residential area, it has access to existing infrastructure and services including reticulated water and sewer networks.

6. CONSULTATION

6.1 Community

Council has stated that the planning proposal should be made publicly available for 28 days. Accordingly, it is recommended that the planning proposal be made available for community consultation for a minimum of 28 days.

6.2 Agencies

Given the planning proposal seeks to facilitate additional residential development on land partially subject to overland flow flooding, consultation with the Department's Environment, Energy and Science Group (Floodplain Management) is recommended.

7. TIME FRAME

Council has indicated the LEP can be completed within 9 months of the date a Gateway determination is issued. Given the extent to which the site is affected by overland flow flooding, and the need to consult with the Department's Environment, Energy and Science Group (which may recommend Council finalise its Major Overland Flow Flood Risk Management Study and Plan prior to proceeding to community consultation), the timeframe for completing the LEP should be 12 months. It is considered that this timeframe will enable Council to finalise its Major Overland Flow Flood Risk Management Study and Plan and revise the planning proposal if required.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be authorised as the local plan making authority to exercise the functions under section 3.36 of the Environmental Planning and Assessment Act 1979. Due to the localised nature of planning proposal, it is recommended that Council's request be supported.

9. CONCLUSION

It is recommended that the planning proposal proceed subject to conditions requiring consultation and minor revisions. Despite being partially affected by overland flow flooding, the site is suitably located to facilitate additional subdivision opportunities as it is within an existing residential area with access to essential infrastructure and services.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Direction 4.3 Flood Prone Land is unresolved and will require justification.

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. Consultation is required with the following public authorities:
 - Department of Planning, Industry and Environment's Environment, Energy and Science Group (Floodplain Management).
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. The planning proposal is to be updated prior to community consultation to:
 - (a) incorporate the addendum prepared by Council; and
 - (b) clearly identify the existing and proposed lot size on the indicative LEP Lot Size maps.



19/11/2019

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