

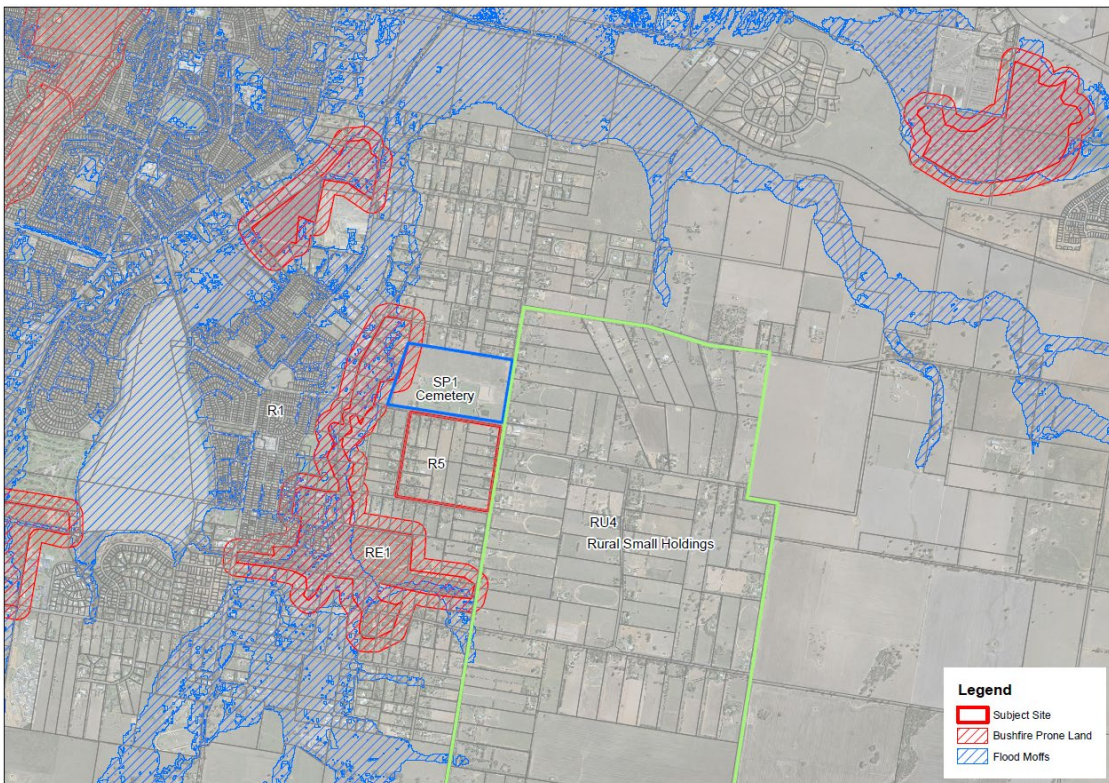
Planning Proposal Assessment Report

APPLICATION DETAILS

Application No:	LEP19/0010
Applicant:	Desmond Michael Lane
Proposal Summary:	Amend the Wagga Wagga Local Environmental Plan minimum lot size from 2 hectares to a combination of 1,500m ² , 2,000m ² , 3,000m ² and 4,000m ² .
Land Owner	Various Land Owners
Assessment Officer:	Crystal Atkinson, Senior Strategic Planner

SITE AND LOCATION

Subject Land:	Lot 3 DP 241596, 10 Brunskill Road, Lake Albert Lot 2 DP 241596, 8 Brunskill Road, Lake Albert Lot 1 DP 241596, 6 Brunskill Road, Lake Albert Lot 18 DP 242227, 4 Brunskill Road, Lake Albert Lot 17 DP 242227, 2 Brunskill Road, Lake Albert Lot 1 DP 239050, 222 Mitchell Road, Lake Albert Lot 2 DP 239050, 232 Mitchell Road, Lake Albert Lot 3 DP 239050, 240 Mitchell Road, Lake Albert Lot 4 DP 239050, 244 Mitchell Road, Lake Albert Lot 5 DP 239050, 252 Mitchell Road, Lake Albert Lot 6 DP 239050, 262 Mitchell Road, Lake Albert Lot 7 DP 239050, 274 Mitchell Road, Lake Albert Lot 8 DP 239050, 1A Silverwood Road, Lake Albert Lot 16 DP 242227, 1 Silverwood Road, Lake Albert Lot 15 DP 242227, 3 Silverwood Road, Lake Albert Lot 17 DP 242904, 7 Birch Road, Lake Albert Lot 18 DP 242904, 5 Birch Road, Lake Albert Lot 19 DP 242904, 3 Birch Road, Lake Albert Lot 20 DP 242904, 1 Birch Road, Lake Albert
Current LEP Provisions:	R5 Large Lot Residential Zone 2-hectare minimum lot size provisions
Current DCP Provisions	R5 Large Lot Residential Controls
Existing Character:	The area is characterised by large residential lots, extensive vegetation and rural type uses.

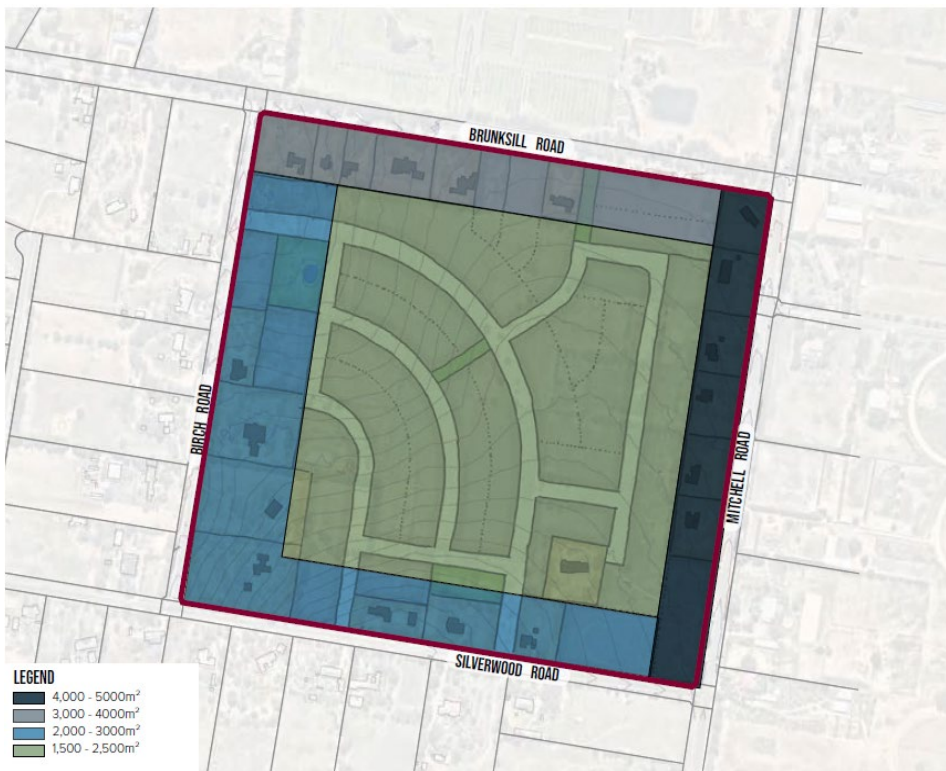


PROPOSAL

Council is in receipt of an application to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to reduce the minimum lot size provisions for lots bounded by Brunsill, Mitchell, Silverwood and Birch Roads from 2ha to a combination of lots sizes including 0.15ha, 0.2ha, 0.3ha and 0.4ha.

The area is an existing large lot residential area on south-eastern fringe of the city.

The planning proposal proposes to amend the minimum lot size map to reflect the range shown below:



The site is approximately 45 hectares providing opportunity for approximately 150-180 additional lots in the precinct depending on subdivision layout.

The proponent's description of the proposal, supporting information and conceptual development plans are provided under a separate cover (Attachment 1).

SUMMARY OF ASSESSMENT

1. Minimum lot size methodology

The area is characterised by large residential lots with surrounding lots ranging from 2-hectares to 8-hectares or more.

The range of minimum lot sizes proposed will retain the character of the area and minimise land use conflicts with adjoining land uses.

The planning proposal will be supported by site-specific development controls that intend to retain the rural character with larger lots, large setbacks, open style fencing, extensive tree cover and vegetation and wide road corridors.

2. Retention of vegetation

The planning proposal is proposing lot sizes of 0.2ha or greater in areas where there is existing vegetation. The Wagga Wagga Local Environmental Plan 2010 requires vegetation retention for rural residential minimum lot size areas of 0.2ha or greater. The proposed minimum lot sizes will help with the retention of vegetation.

3. Infrastructure capacity and provision

The planning proposal has provided an '*Existing Infrastructure Report*' providing assessment of stormwater, sewer, roads, water, gas, electricity and communication. Where capacity is limited, solutions have been provided.

Acceptable solutions are provided to address both stormwater and sewer. An internal infrastructure report is being completed to identify the specific treatment requirements including swale drains and locations, sewer pump station location and if any upgrades are required by the development. These specific requirements will be included as part of site-specific development controls and will replace the standards of the Engineering Guidelines. They will also provide the basis for an addendum to Council's DSP where required.

4. Traffic assessment required

The planning proposal has provided a summary of the existing road network and has indicated that the increase in traffic volumes and loads generated by the proposed development has not been calculated.

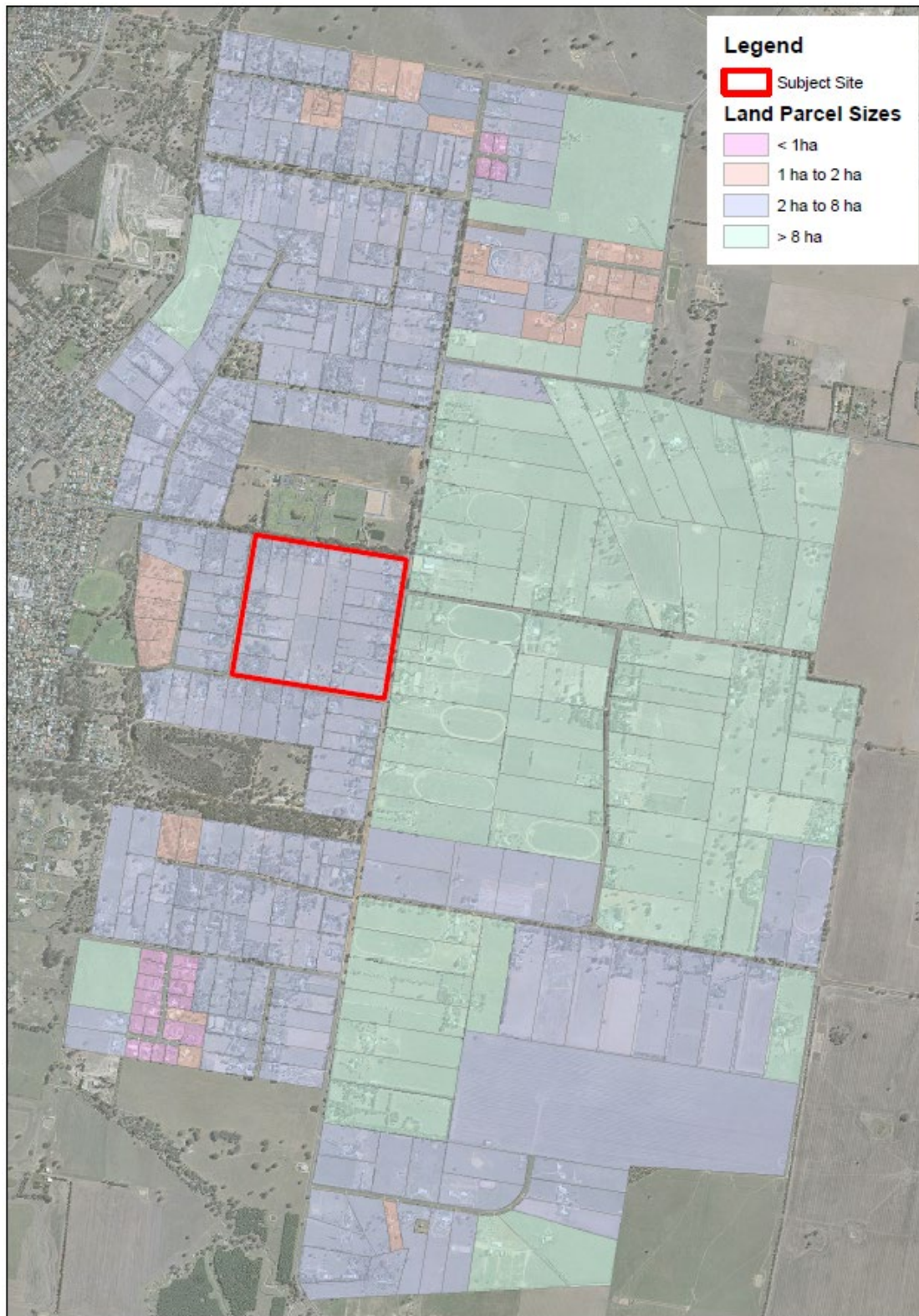
The planning proposal indicates that a traffic assessment will need to be carried out by a qualified traffic consultant. This can be completed at DA stage and network upgrades completed as part of development. Based on the type of development and existing network capacity, it is anticipated any changes required can be facilitated.

5. Contamination

A preliminary site investigation provided with the planning proposal indicates contamination on site from stockpiling of building waste with potential asbestos. Recommendations from the investigation are to complete works prior to determining whether the site is suitable for intensification. The potential contamination is possible to be addressed prior to development occurring and would be addresses and actions required confirmed as part of a development application.

1. Lot size methodology and subdivision pattern

The area is characterised by large residential lots with surrounding lots ranging from 2-hectares to 8-hectares or more. The existing parcel sizes are shown in the following map:



The planning proposal proposes a range of minimum lot sizes with 0.15ha, 0.2ha, 0.3ha and 0.4ha lot size provisions proposed. The lot size pattern could achieve between 150 and 180 lots dependent on subdivision layout.

Across the city, the large lot residential areas take various forms and minimum lot sizes ranging from 1,200m² up to 8-hectares. Areas where the minimum lot size is between 1,200m² to 2,000m², the character is more residential in nature with urban style fencing and kerb and gutter. Examples of a subdivision at this scale is provided below.



Image: Lakehaven Drive, Lake Albert: Lots of 1,500m²



Image: Plunket Drive, Lake Albert: Lots of 1,500m²

These types of density where they are a direct extension of an existing general residential area are developed differently to those that are within a larger lot context, as is with this site. Development at this density in this location will retain the rural character through swale drains rather than kerb and gutter.

In considering the current characteristics of the area, the range of lot sizes proposed can retain the existing character through open style fencing, vegetation, setbacks, swale drains and wide carriageways are provided below.



Images: *Genista Place, Springvale: Lots between 5,000m² and 6,000m²*



Image: *Bonney Place, Tatton: Lots between 4,800m² and 6,000m²*



Image: Olearia Place, Lake Albert: Lots between 5,000m² and 8,000m²

Lot sizes across the entire R5 Large Lot Residential area vary in nature and for this location, the range of lot sizes will provide an opportunity for the locality character to be retained whilst also addressing land use conflicts that may arise from a higher density.

2. Urban Design

The R5 Large Lot Residential areas provide a location for a rural type lifestyle. These areas are generally characterised by dwellings on large lots with substantial tree cover, large setbacks, wide road corridors, very few footpaths and varying provision of infrastructure.

The large lots and low density make it difficult to service these areas with public transport, open space and community facilities that are expected in the general residential areas.

The objectives of the R5 Large Lot Residential zone are to:

- Provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- Ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- Ensure that development in the area does not unreasonably increase the demand for public services and public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.

The proposal supports these objectives by providing a range of lot sizes that provide rural residential development in proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewerage, waste services, social infrastructure and community services, minimising conflict between land uses within adjoining zones and avoiding clearing of native vegetation.

3. Landscape

The perimeter area where existing dwellings are located, is heavily vegetated with established trees and vegetation contributing to the character of the area.

The subject land is within the Wagga Wagga Biodiversity Certification area. The purpose of the biodiversity certification is to replace site-by-site, development-by-development assessment of threatened species under the Threatened Species Conservation Act with a landscape wide strategic assessment. It removes the need to undertake detailed threatened species impact assessments at the development application stage for the bio-certified area of the LEP, reducing government regulation whilst improving or maintaining biodiversity.

Supporting the Biodiversity Certification of the LEP, the DCP contains provisions in relation to approvals for removing vegetation in the R5 Large Lot Residential zone where lots are greater than 2,000m². The

controls are relevant when applications are received to subdivide land and establish minimum native vegetation levels for different rural land capability classes.

For these areas, development consent isn't to be granted without consideration of the potential adverse impacts on native vegetation, habitat of threatened species, population or ecological community.

The range of lot sizes proposed will apply at 2,000m² minimum lot size or greater on the areas of the site that have existing vegetation and retain the existing vegetation retention provisions of the DCP.

The larger minimum lot sizes will facilitate protection, maintenance, and improvement of diversity of native vegetation in the area. In addition, a larger minimum lot size will provide a greater site area for the location and siting of new buildings, outbuildings and facilities.

4. Open Space

The concept of between 150 and 180 lots at various sizes could result in a population of between 375 and 450 people in this location based on an average occupancy rate of 2.5 persons per dwelling. The proposal includes provision of open space as part of the concept.

The Wagga Wagga Recreation, Open Space and Recreation Strategy and Implementation Plan 2040 indicates an existing provision of 6.02 ha of open space per 1,000 people and an estimated provision of 5.79 ha per 1,000 people in 2040. The open space proposed as part of this proposal will add to the existing open space network.

5. Typologies / Built Form

The subject land and surrounding precinct are characterised by predominantly single storey dwellings hidden from the street by established vegetation. The area has open style fencing and gravel driveways with a mix of setbacks.

6. Development Control Plan

The Wagga Wagga Development Control Plan contains controls specific for the R5 Large Lot Residential zone including:

- Preservation of trees and native vegetation where the minimum lot size is greater than 0.2 hectares.
- Side and rear setbacks of 2m.
- Subdivisions should be responsive to the setting and natural site features and established subdivision patterns.

The range of lot sizes proposed will enable development that is consistent with the objectives of the DCP by retaining character and reducing opportunity for land use conflicts. It will also enable development to be consistent with the DCP objectives and provisions as it will enable the preservation of trees and native vegetation and encourage development to respond to the setting and natural site features and established subdivision patterns.

INFRASTRUCTURE

An internal infrastructure assessment report has been prepared to assess infrastructure requirements and solutions. The proposed development is acceptable with appropriate solutions available to address infrastructure requirements.

1. Stormwater

Stormwater infrastructure currently consists of swale drains and culverts. The proposal intends to manage stormwater through an on-site detention basin to limit the post development flows to pre-development flows. From the detention basin, stormwater will need to be piped to the existing culvert on Brunskill Road. The release to the culvert will need to be designed appropriate to ensure flows are not exacerbated.

Full hydrology and hydraulic calculations relating to the site will be required with any development application to ensure new drainage infrastructure being proposed is adequate. This will ensure downstream areas will not be adversely affected by increased development and overland flows.

Proposed landscaping area connecting to Brunskill Road is to be relocated west to align with the proposed road running parallel to Mitchell Road on the western side of the site. This will ensure drainage from the internal road has a direct outlet to Brunskill Road.

The table drain within Brunskill Road will need to be sized appropriately to accommodate additional stormwater from the site.

Within the development, where contours force drainage to boundary onto existing properties, stormwater needs to be trapped and directed to proposed existing roads.

2. Sewer

Eight of the subject lots have previously had septic tanks that have now been decommissioned and removed after connecting to reticulated sewer. 11 lots still rely on on-site septic for the treatment of effluent. Prior to intensification, decommissioning and removal of the remaining septic tanks will need to be undertaken and connected to reticulated sewer.

The area has reticulated sewer available to the site, however the existing sewer system does not have capacity for additional loads during peak times. The solution provided as part of the infrastructure report is to use gravity pipes to convey sewer to a new sewer pump station located on Brunskill Road with a new rising main connecting to the existing network.

The preferred location for the sewer pump station is within the proposed development site. Further investigations will need to be undertaken as part of a development application to determine a suitable connection point to existing sewer gravity main infrastructure for the proposed rising main to ensure that network overload does not occur.

3. Utilities

Gas, telecommunications, water and electricity are available to the area.

4. Traffic

The area is bound by Brunskill, Mitchell, Silverwood and Birch Roads. All roads have an 80km per hour speed limit and both Brunskill and Mitchell Roads are sub-arterial roads in the current road hierarchy with a purpose to carry between 6,000 and 20,000 vehicles each day including heavy goods vehicles. Additional driveway access points on these roads may impact the functionality and safety of these roads. These roads will require widening to the standard required in Council's Engineering Design Guideline and pavement depths will require investigation to ensure enough capacity to withstand increased traffic volumes.

The proposed road layout will require reassessment to remove bends at three locations to ensure adequate sight distance at all times.

COMPLIANCE TEST

The following matters pursuant to the provisions of Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Industry and Environment's Guide to Preparing Planning Proposal, have been taken into consideration in the assessment of the proposal.

Riverina Murray Regional Plan 2036	
Direction	Compliance
Protect the region's diverse and productive agricultural land	<p>The site is located immediately adjacent an existing RU4 Primary Production Small Lot area. Increased density in this location, if not managed, has the potential to cause land use conflicts and limit the opportunities for agricultural industries.</p> <p>The RU4 Primary Production Small Lot precinct has an agricultural suitability class of 2 and a rural land capability class of II, indicating the area has high agricultural capability. Protecting the productivity of this precinct from introducing a significant number of potential sensitive receptors will be important.</p> <p>The proposal is consistent with this direction as it proposes a range of lot sizes that maintain character, separation and minimises risks of land use conflicts with the adjoining RU4 precinct.</p>
Promote and grow the agribusiness sector	<p>A key action under this direction is to facilitate investment in the agricultural supply chain by protecting assets from land use conflict arising from the encroachment of incompatible land uses.</p> <p>The proposal is consistent with this direction as it proposes a range of lot sizes that maintain character, separation and minimises risks of land use conflicts with the adjoining RU4 precinct.</p>
Expand advanced and value-added manufacturing	<p>This direction includes an action to protect advanced and value-added manufacturing industries and associated infrastructure from land use conflict arising from inappropriate and incompatible land uses.</p> <p>The proposal is consistent with this direction as it proposes a range of lot sizes that maintain character, separation and minimises risks of land use conflicts with the adjoining RU4 precinct.</p>
Protect and manage the region's many environmental assets	<p>The proposal is consistent with this direction as the proposed minimum lot size of 2,000m² on the periphery of the site will provide protection of existing vegetation on the site.</p>
Increase resilience to natural hazards and climate change	<p>The planning proposal is both consistent and inconsistent with this direction. The proposal is consistent as the subject land is not identified as bushfire prone or flood affected.</p> <p>The proposal is inconsistent as the preliminary site investigation indicates contamination on site with recommendations to complete works prior to determining whether the site is suitable for intensification. The potential contamination is flagged from the dumping of building waste on the site. The inconsistency is considered to be minor as the risk of contamination is low and appropriate solutions are available to address the risk.</p>
Promote the growth of regional cities and local centres	<p>The proposal is consistent with this direction as it proposed to increase the supply of housing by approximately 200 lots.</p> <p>The proposal is based on site opportunities to optimise use of land that is currently serviced by infrastructure and accessible to existing local community facilities.</p>

Build housing capacity to meet demand	The proposal is consistent with this direction as it proposed to increase density in an existing rural lifestyle area with a potential for 150-180 lots.
Manage rural residential development	<p>This direction identifies the popularity of rural residential development and the potential for this type of housing to cause land use conflicts with productive agricultural land and the importance of managing the cumulative impacts of this type of development.</p> <p>The planning proposal is consistent with the direction in that the land has been identified for 'potential intensification' within the endorsed Wagga Wagga Spatial Plan 2013-2043.</p>
Wagga Wagga Spatial Plan 2013 -2043	
Direction	Compliance
We plan for a growing community	<p>The subject land is identified for 'potential intensification' subject to a residential study being completed. This planning proposal is inconsistent with this as no residential study has been completed. However, Council has indicated it will accept planning proposals where acceptable justification has been provided.</p> <p>The land is identified as Area 10 – Lake Albert with the action to ensure overland flow is managed and studies are completed to manage risks associated with intensification. The planning proposal is consistent with these actions as overland flow flooding is not identified on the subject land and relevant studies have been completed.</p>
We maintain our current and future infrastructure	The planning proposal is consistent with this direction as it is contributing to the containment of the city sprawl by proposing development within an area that has existing services and facilities.
Section 9.1 Ministerial Directions	
Direction	Compliance
3.1 Residential Zones	The planning proposal is inconsistent with this direction as it is proposing to contain provisions that reduce the permissible residential density of the land through a minimum lot size. The inconsistency is of minor significance as the area is zoned R5 Large Lot Residential and is rural in nature. The area also immediately adjoins an existing RU4 Primary Production Small Lot precinct and an appropriate minimum lot size will help reduce the potential for land use conflicts.
3.4 Integrating Land Use and Transport	The planning proposal is consistent with this direction as it is proposing intensification in an area that has linkages to walking and cycling links.
3.5 Development Near Regulated Airports and Defence Airfield	The planning proposal is consistent with this direction as it is not within the ANEF mapped areas of the Wagga Wagga Airport.
5.10 Implementation of Regional Plans	The planning proposal is consistent with this direction. The proposal is consistent with the regional strategy direction to build housing capacity to meet demand and proposed a range of lot sizes that will retain character and minimise the risk of land use conflicts.
State Environmental Planning Policies	
Policy	Compliance
State Environmental Planning Policy No 55 – Remediation of Land	<p>Contamination has been identified as potential on the site as part of a site investigation due to stock piling of building waste containing asbestos on site.</p> <p>The site investigation recommends further actions to be undertaken prior to determining whether the site is suitable for intensification.</p>

	Further investigations can be completed as part of a development application with appropriate actions being undertaken prior to subdivision.
State Environmental Planning Policy (Primary Production and Rural Development) 2019	The planning proposal is consistent with this policy as the range of lot sizes will reduce the potential for land use conflicts with the adjoining Primary Production Small Lot precinct.
Other	

Internal / External Consultation

Internal:

A cross-directorate internal referral also occurred.

A councillor workshop was held on 20 July 2020 where officers presented the planning proposal to councillors.

Community consultation:

Public consultation with usually occurs after a Gateway Determination. However due to some of the affected land owners not forming part of the application, preliminary consultation was undertaken with affected land owners.

Formal community consultation will also be undertaken as required by the Gateway Determination.

The following provides a summary of all submissions received from affected land owner with an Assessment Officer Response.

Submissions received		
Submitter	Comment	Assessment Officer Response
1	Family moved to the area for peace and quiet and planted numerous trees over the years. There should be a green belt retained around Wagga Wagga. Having up to 12 additional houses on their block is not ok.	Retention of green infrastructure is noted along with the concerns with the proposed density.
2	In favour of the proposed amendment and always hoped for an opportunity to redevelop as needs changed. Feels everyone is in support even if they don't want to subdivide.	Noted
3	Supports the planning proposal and wants it to proceed.	Noted
4	Supports the planning proposal and wants it to proceed.	Noted
5	Supports the planning proposal and wants it to proceed.	Noted
6	Supports the planning proposal and wants it to proceed.	Noted
7	Offer support and look forward to a positive response.	Noted
8	Support the planning proposal and look forward to acceptance and eventual successful development application outcome.	Noted
9	Support proposed amendment and agree to offer land to provide access to the proposed subdivision, however, will not be subdividing	The agreement to provide access is noted and the desire not to subdivide at this stage.

	the balance of their land at this stage but would reserve the right to do so at a later stage.	
10	Supports the planning proposal and wants it to proceed.	Noted
11	Supports the planning proposal and looks forward to its acceptance by Council.	Noted
12	Supports the planning proposal and wish for it to proceed and be supported by Council.	Noted
13	Supports the changes to allow potential for numerous blocks to be created. Giving opportunities for many to secure blocks of good size still within close proximity to central Wagga. Hope the planning bodies will look favourably on these proposed amendments.	Noted

FINANCIAL IMPLICATIONS

In accordance with Council's 2018/19 Fees and Charges, a Major LEP Amendment application attracts an application fee of \$40,000. The proponent has paid this fee. An amendment in lot size will require a DCP amendment and associated fees.

Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 / Levy Contributions Plan 2006 enables Council to levy contributions, where anticipated development will or is likely to increase demand for public facilities.

Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enables Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The Section 7.11 and Section 64 contribution applies and will apply to any future development consent on the land. The proponent also has the opportunity to enter into a voluntary planning agreement, however at the time of this report, no request has been received to enter into an agreement.

CONCLUSION

That Council:

- a Support the planning proposal and addendum to amend the Wagga Wagga Local Environmental Plan 2010
- b Submit the planning proposal to the NSW Department of Planning, Industry and Environment for Gateway Determination
- c Prepare an amendment to the Wagga Wagga Development Control Plan to be exhibited alongside the planning proposal to address site specific requirements