

**RP-1      DRAFT PLANNING PROPOSALS (LEP18/0004 AND LEP18/0009) TO AMEND THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010, GREGADOO ROAD, WAGGA WAGGA**

**Author:**      Adriaan Stander

**Director:**    Natalie Te Pohe

**Summary:**      Council is in receipt of two planning proposals (LEP18/0004 and LEP18/0009) to amend the Wagga Wagga Local Environmental Plan 2010. The proposals were lodged by individual landowners who are seeking to rezone land and to reduce the minimum lot size requirement applicable to land south of Gregadoo Road.

An assessment of the applications concluded that the planning proposals may proceed as a combined proposal and that a minimum lot size of 4000sqm be applied across the precinct. The recommendation is to request a Gateway Determination from the Department of Planning and Environment.

**Recommendation**

That Council:

- a    support planning proposals LEP18/0004, LEP18/0009 and the Council addendum to amend the Wagga Wagga Local Environmental Plan 2010
- b    submit planning proposals LEP18/0004, LEP18/0009 and the Council addendum to the Department of Planning and Environment for Gateway Determination
- c    prepare an amendment to the Wagga Wagga Development Control Plan 2010 (DCP) to be exhibited alongside planning proposals LEP18/0004, LEP18/0009 and the Council addendum to address the development matters raised
- d    note that the amendment must be developed in conjunction with a Master Plan to illustrate a high level road network scenario for the precinct, access arrangements, servicing provision and how any future subdivision will occur through staging
- e    receive a further report after the public exhibition period;
  - i    addressing any submissions made in respect of planning proposals LEP18/0004, LEP18/0009 and the Council addendum and proposed amendment to the DCP
  - ii   proposing adoption of the planning proposals LEP18/0004, LEP18/0009 and the Council addendum unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period

**Application Details**

**Submitted Proposals:**      **LEP18/0004** – Seeks to reduce the minimum lot size of 52 and 56 Gregadoo Road from 2ha to 3000sqm.

**LEP18/0009** – Seeks to rezone 13 and 15 Tallowood Crescent, Lake Albert from RU1 Primary Production Zone to RU5 Large Lot Residential Zone. This proposal also seeks to reduce the minimum lot size requirement applicable to a number of lots to

the south of Gregadoo Road from 2ha to 1800sqm, 3500sqm and 5500sqm

### Applicant

LEP18/0004 – Kerry and Cynthia Podmore (owner of 56 Gregadoo Road). Salvestro Planning has been appointed by the applicant to prepare the planning proposal.

LEP18/0009 - Stephen Jay (owner of 68 Gregadoo Road, Lake Albert). MJM Consulting has been appointed by the applicant to prepare the planning proposal.

### Land Owners:

Various land owners provided under confidential cover

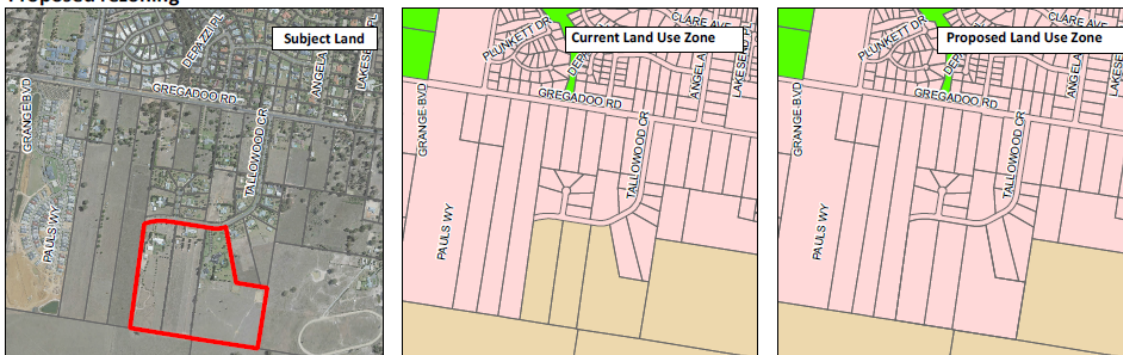
### Proposal

Council is in receipt of two planning proposals to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to the south of Gregadoo Road. Details of the proposals with supporting information are contained within Attachment 1 and 2.

An assessment of the applications concluded that the planning proposals may proceed as a combined proposal and that a minimum lot size of 4000sqm be applied across the precinct. The revised proposal seeks the following:

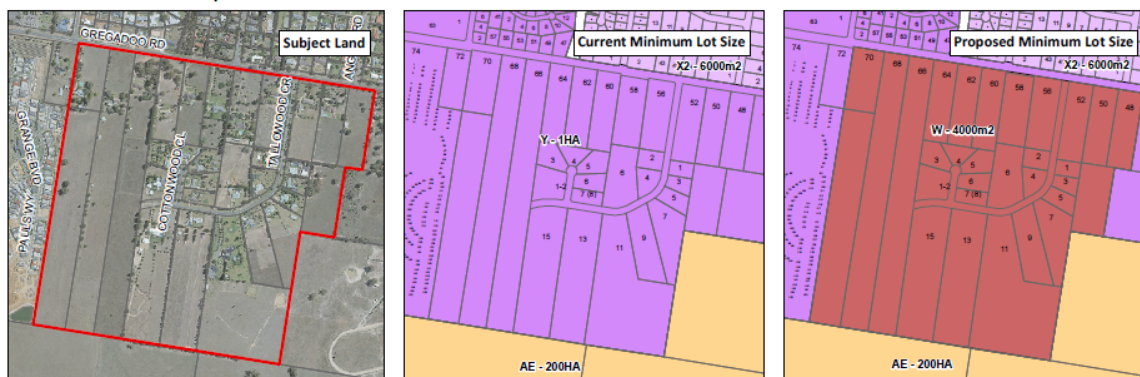
1. Rezone 11, 13 and 15 Tallowood Crescent, Lake Albert (Lot 1 DP 882899, Lot 2 DP 882889 and Lot 2 DP 1013227) from RU1 Primary Production Zone to R5 Large Lot Residential Zone as per the illustration below.

Proposed rezoning



2. Reduce the minimum lot size requirement applicable to Lots 48, 50, 52, 56, 58, 60, 62, 64, 66, 68 and 70 Gregadoo Road, 1- 7 Cottonwood Close 1 – 6, 7, 9, 11, 13, 15 Tallowood Crescent (Lot 1 DP 514671, Lot 3 DP 233523, Lot 4 and Lot 5 DP 233523, Lot 1 and Lot 2 DP 715658, Lot 5 DP 775412, Lot 8 DP 859533, Lot 7 DP 775412, Lot 15 DP 866164, Lot 2 DP 539369, Lot 3 DP 540483, Lot 9 - 13 DP 886164, Lot 1 DP 1013227, Lot 2 DP 1013227, Lot 1 and Lot 2 DP 882899, Lot 1 to Lot 8 DP 866164) from 2ha to 4000sqm as per the illustration below.

### Minimum Lot Size Proposal



The above will provide the opportunity for land owners in the precinct to subdivide their land in the future. It will create the opportunity for approximately 130 additional lots in the precinct.

### Site and locality

The precinct is located on the south of Gregadoo Road and is partly located within the R5 Large Lot Residential Zone and in the RU1 Primary Production Zone. A minimum lot size requirement of 2 hectares currently applies under Clause 4.1 of the Wagga Wagga Local Environmental Plan 2010 to lots within the precinct.

Lots to the north of the precinct (north of Gregadoo Road) are located in the R5 Large Lot Residential Zone and vary between approximately 1500sqm and 4300sqm in size. The Grange Lifestyle Village is located to the west. The land to the south is in the RU1-Primary Production Zone and land to the east is also zoned R5 Large Lot Residential.

### Key considerations

#### 1. Population growth and housing demand

The addition of dwellings to the housing stock is a major driver of population growth in the city, providing opportunities for households to relocate from other areas or new households to form locally. At a growth rate of 1.2% the population of Wagga Wagga will exceed 80,000 people in 2040, however the city must plan to grow to beyond 100,000 people. To accommodate a 2% population growth to 100,000 people and an additional 14,000 homes by 2040, 1,750 hectares of land is required if density rates continue at 8 dwellings per hectare.

The supply of residential land was last considered in 2013 as part of the Wagga Wagga Spatial Plan 2013-2043 that identified that there was approximately 426 hectares of urban release area. At a density pattern of 8 dwellings per hectare this equates to an additional 3,500 dwellings. From this, current greenfield areas can accommodate 10 years supply of housing at the projected growth rate and 5 years supply at the aspirational growth rate of 2%.

Whilst the majority of housing will be provided within urban release areas, infill development through redevelopment and intensification (as proposed by the planning proposal) will also play a vital role in utilising existing services to accommodate the growing population of the city. It will also contribute to the mix of housing types available in the city.

A supply-demand analysis was undertaken under as part of the planning proposal lodged under LEP18/0004 to ascertain that the creation of additional lots were warranted under current land development conditions. Available data indicated that progressing the planning proposal will meet a justifiable need for this type of land development and help balance the current land supply.

## **2. Land use strategies underway and interim arrangements**

Council is currently in the process of reviewing and developing new land use strategies for the city. One of the key priorities is to consider the location of future growth areas and to identify existing urban areas in the city that may be intensified through further subdivision. Noting that it will take some time to complete the above strategic work, landowners may as an interim arrangement lodge planning proposals to increase the development opportunities for their properties prior to the finalisation of the strategic work. Planning proposals will be considered on merit and the onus is on the proponents to provide Council with the necessary information to undertake assessments to determine if there is sufficient justification for a planning proposal to proceed prior to the completion of the above strategic work.

## **3. Consistency with strategic directions**

Even though the planning proposal is not supported by a local housing strategy endorsed by the Department of Planning and Environment, the Wagga Wagga Spatial Plan 2013/2043 which is endorsed by the Department of Planning and Environment identifies several approaches to addressing land demand for urban purposes in the city, and encourages additional housing opportunities within existing urban areas where existing services and amenities are already provided.

This area is identified by the Spatial Plan as an area where a reduction of minimum lot sizes can be considered. The proposal is based on site opportunities to optimize the use of available land that is currently serviced by public infrastructure and accessible to existing local community facilities and therefore considered consistent with the provisions of the Spatial Plan.

The proposal is also consistent with the recommendations of the Riverina Murray Regional Plan 2036, the draft Activation Strategy, Section 9.1 Ministerial Directions as well as all relevant State Environmental Planning Policies.

## **4. Lot size methodology and future subdivision pattern**

Isolated amendments to the LEP ("spot rezonings") are generally not supported and land owners are encouraged to work together and submit joint planning proposals for precincts instead of individual properties.

The planning proposals submitted under LEP18/0004 and LEP18/0009 present different approaches to lot sizes. LEP18/0004 proposes to reduce the minimum lot size to 52 and 56 Gregadoo Road from 2ha to 3000sqm and LEP18/0009 proposes to reduce the minimum lot size requirement for a number lots to the south of Gregadoo Road from 2ha to 1500sqm, 3500sqm and 5500sqm.

The precinct approach presented by LEP18/0009 is generally supported. The

precinct boundary was chosen as a natural progression of development to the north and west and due the fact that it is void of environmental land constraints (in particular overland flow flooding) to the east. The southern precinct boundary was chosen due to the Lake Albert suburb boundary and adjoining RU1 Primary Production zoned land.

Lots to the north of the precinct (north of Gregadoo Road) vary between approximately 1500sqm and 4300sqm with the majority of lots close to 4000sqm in size. There are smaller lots of 4000sqm already in the precinct. In consideration of the above, it is recommended that a minimum lot size of 4000sqm be applied to the entire precinct. This will ensure that future subdivision will be reflective of the existing rural residential character expected in this locality.

The proposed 4000sqm lot size will also maximise the development opportunities available across the precinct in consideration of the capacity of existing sewer infrastructure.

An approval of the draft planning proposal will create the opportunity for land owners in the precinct to subdivide their land if they choose to do so. An approval of the proposal will not force those land owners who are not interested in subdivision to subdivide their land.

Prior to the implementation of the proposed new lot size, a plan must be developed to illustrate a high level road network scenario for the precinct, access arrangements, servicing provision and how any future subdivision will occur through staging. The plan will also ensure that land use conflicts with RU1 Primary Production zone land are minimised.

## **5. Consistency with zoning objectives**

The majority of the precinct is located in the R5 Large Lot Residential Zone. The objectives of the R5 Zone are as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or 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 planning proposal will provide residential housing in a rural setting consistent with the above objectives. A minimum lot size of 4000sqm will also ensure that that future subdivision in the precinct does not unreasonably increase the demand on infrastructure and services in the locality.

Three lots in the south-eastern side of the precinct (11, 13 and 15 Tallowood Crescent) are located in the RU1 Primary Production Zone. The planning

proposal seeks to rezone 11, 13 and 15 Tallowood Crescent from RU1 Primary Production Zone to R5 Large Lot Residential Zone consistent with the zoning of the rest of the precinct. The land is not identified as prime agricultural land and is unlikely to be used for prime agriculture in future.

The rezoning of the land to R5 Large Residential Zone with a minimum lot size requirement of 4000sqm is therefore considered appropriate for the locality and will ensure that conflict between the urban and rural land uses are minimised.

## **6. Natural hazards**

The precinct is generally void of overland flow, however there are some small areas along the eastern boundary of the precinct and north along Gregadoo Road that are mapped as being impacted by overland flow. The section along Gregadoo Road has a maximum depth of just under 800mm. The remainder of the affected areas are less than 250mm deep. Accordingly, the off-site flood level impact is viewed as relatively minor. Further consideration of the overland flow impact would occur at the development application stage and could include design measures to lessen the flood impact if required. Building envelopes of finished floor levels could solve issues around land development and can be addressed as part of any future development application. A stormwater management plan would be required as part of any future development application for subdivision.

## **7. Infrastructure**

One of the key issues to consider with LEP amendments is the ramifications of any proposal on existing infrastructure and the ability of existing networks to cope with increased demands.

The site has access to existing services and infrastructure including roads, reticulated water and waste collection services.

**Sewer:** The planning proposal aims to optimise the use and capacity of existing sewer infrastructure in the locality. Existing sewer capacity can accommodate 130 additional lots in the precinct.

**Stormwater:** There is limited stormwater infrastructure in the precinct. Runoff is overland flow into roadside table drains with limited capacity. A Stormwater Report and Management Strategy will be required as part of the future development application to address how additional flow would be safely controlled taking into account overland flow flooding.

The Stormwater Management Plan shall indicate an appropriate discharge point that will not adversely affect the surrounding properties. It is noted that current infrastructure may not be able to handle the additional stormwater generated from the development and an upgrade to existing infrastructure should be investigated at critical locations within the Stormwater Strategy. Investigation other than rural swale drains should be part of the proposal and at a minimum low flow trickle stormwater pipes if swale drains are the only form of drainage. This could be addressed at the development application stage.

**Roads:** A traffic assessment must be developed and should highlight potential recommendations around road and intersection improvements. It is recommended that Tallowood Crescent be extended to join up with Gregadoo Road to the west. No additional road connections (other than the second Tallowood Road intersection) onto Gregadoo Road will be supported.

**Water:** Local water supply is provided by Riverina Water County Council Water (RWCC) whereby supply can be made available to the subject land in accordance with Council and the RWCC Guidelines. Any upgrades or extensions required to existing water main would be investigated at the time of detailed design of future development.

Other infrastructure networks and services, including electricity, gas, public transport, waste management/recycling, health, education, emergency, mail and other community services are established in the local area and accessible to the subject site.

## Conclusion

The planning proposal has been considered in respect to the benefits to the community and the matters discussed in this report are all reflections of the public interest and community expectations through strategic direction and policy guiding documents. Taking into account the full range of matters that have been considered as part of this assessment (including the submissions received as part of preliminary consultation), it is considered that the revised proposal is reasonable and in the public's interest.

The revised proposal is supported for the following reasons:

1. The proposal to rezone the land and to reduce the minimum lot size requirement is based on site opportunities to optimize use of the land that is currently serviced by public infrastructure and accessible to existing local community facilities. It will contribute to the housing mix already available in the city and address the housing need consistent with population growth expectations.
2. It complies with the provisions of the endorsed strategic documents, including Riverina Murray Regional Plan 2036 and the Wagga Wagga Spatial Plan 2013 -2043. Where inconsistencies exist, it has been justified.
3. It meets all relevant Section 9.1 Ministerial Directions
4. Addresses all applicable State Environmental Planning Policies.

Prior to the implementation of the proposed new lot size, a Master Plan must be developed to illustrate a high level road network scenario for the precinct, access arrangements, servicing provision and how any future subdivision will occur through staging. The plan must be informed by the following:

- A stormwater management plan that must be developed for the precinct. Investigation other than rural swale drains should be investigated.
- A traffic assessment is required to be developed and should highlight potential recommendations around any treatment that may be required as a result of the road intersection off Gregadoo Road. Tallowood Crescent must be extended to join up with Gregadoo Road to the west.

- Investigate the implementation of a buffer zones next to RU1 Primary Production Zoned land.

## Financial Implications

The applications have been submitted with the applicable *LEP Amendment* fee of \$15,000 (LEP18/0009) and \$7,500 (LEP18/0004). The proponents have paid these fees.

## Policy and Legislation

Environmental Planning and Assessment Act 1979  
Wagga Wagga Local Environmental Plan 2010

## Link to Strategic Plan

### The Environment

Objective: We plan for the growth of the city

Outcome: We have housing that suits our needs

## Risk Management Issues for Council

An approval of the proposal may be subject to public scrutiny during the public consultation process and may put additional pressure on Council to consider the reduction of lot size requirements.

Refusal of the application may result in an appeal process. The applicants have the ability to appeal Council's decision by submitting the planning proposals to the Department of Planning and Environment through a pre-Gateway review process. The reasons for refusal will have to be justified and withstand scrutiny and cross-examination.

## Internal / External Consultation

A Councillor workshop was held on 1 July 2019.

Internal	A cross-directorate internal referral occurred. The proposal is supported in principle.
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External	Preliminary consultation was undertaken during September and October 2018 with land owners and people living in the area to ascertain if there is support for the planning proposal to proceed. The comments received were considered as part of the assessment and resulted in the amended planning proposal.
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A summary of the comments received with Council's response is provided in the attached assessment report.

Formal public consultation with adjoining land owners, the general public and referral agencies will occur after the Gateway Determination.



	Mail			Media				Community Engagement						Digital			
	Rates notices insert	Direct mail	Letterbox drop	Council news story	Council News advert	Media releases	TV/radio advertising	One-on-one meetings	Your Say website	Community meetings	Stakeholder workshops	Drop-in sessions	Surveys and feedback forms	Social media	Email newsletters	Website	Digital advertising
<b>TIER</b>																	
<b>Consult</b>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>											<input checked="" type="checkbox"/>	

## Attachments

1. LEP18-0004 and LEP18-0009 Council Assessment - Provided under separate cover
2. LEP18-0004 and LEP18-0009 Addendum to Planning Proposal - Provided under separate cover
3. LEP18-0004 Planning Proposal lodged by applicant - Provided under separate cover
4. LEP18-0009 Planning Proposal lodged by applicant - Provided under separate cover
5. List of Land Owners

*This matter is considered to be confidential under Section 10A(2) of the Local Government Act 1993, as it deals with: personnel matters concerning particular individuals.* - Provided under separate cover