

Planning and Assessment

IRD19/52221

Gateway determination report

LGA	Wagga Wagga City Council
PPA	Wagga Wagga City Council
NAME	Planning proposal seeks to rezone land from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 2 hectares to 4000 square metres (130 homes)
NUMBER	PP 2019 WAGGA 008 00
LEP TO BE AMENDED	Wagga Wagga Local Environmental Plan 2010
ADDRESS	1-6, 7, 9, 11, 13 and 15 Tallwood Crescent, Lake Albert 48, 50, 52, 56, 58, 60, 62, 64, 66, 68 and 70 Gregadoo Road, Lake Albert 1-7 Cottonwood Close, Lake Albert
DESCRIPTION	Lot 1 DP 514671 Lots 3, 4 and 5 DP 233523 Lots 1 and 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 Lots 9 - 13 DP 886164 Lot s1 and 2 DP 1013227 Lots 1 and Lot 2 DP 882899 Lots 1-8 DP 866164
RECEIVED	Planning proposal submitted 24 July 2019 Additional information requested 8 August 2019 Additional information received 5 September 2019
FILE NO.	IRF19/6181
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 amend the Wagga Wagga Local Environmental Plan 2010 as follows:

- Rezone Lots 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 Figure 3 below; and
- Reduce the minimum lot size on Lot 1 DP 514671, Lots 3, 4 and 5 DP 233523, Lots 1 and 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, Lots 9 - 13 DP 886164, Lots 1 and 2 DP 1013227, Lots 1 and Lot 2 DP 882899 and Lots 1-8 DP 866164 from 2 hectares to 4000 square metres, as per Figure 4 below.

1.2 Site description

The site identified in Figure 1 below, a rural large lot residential precinct located on the south of Gregadoo Road. The site is partly located within the R5 Large Lot Residential Zone and in the RU1 Primary Production Zone (as identified in Figure 3 below) and has a minimum lot size requirement of 2 hectares (as identified in Figure 4).

Most lots in the precinct are residential in nature, containing a single dwelling and ancillary infrastructure. The site has a total area of approximately 76ha which is made up of 30 Lots varying in size (3500m² – 2.5ha). The site appears to be relatively clear of biodiversity values.

The area is serviced by Gregadoo Road and is currently serviced by public infrastructure (water and sewer).

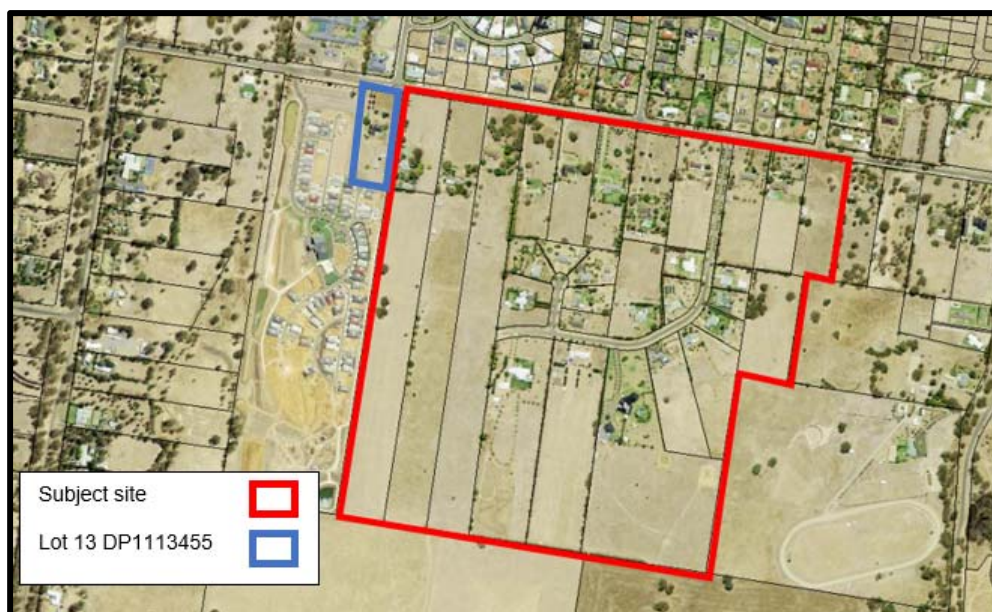


Figure 1 – Aerial photograph of site.

1.3 Existing planning controls

Lots 1 DP 882899, Lot 2 DP 882889 and Lot 2 DP 1013227 are zoned RU1 Primary Production Zone and Lot 1 DP 514671, Lots 3, 4 and 5 DP 233523, Lots 1 and 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, Lots 9 - 13 DP 886164, Lots 1 DP 1013227, and Lots 1-8 DP 866164 are zoned R5 Large Lot Residential Zone.

All of the abovementioned lots have a minimum lot size of 2ha in accordance with the minimum lot size map.

1.4 Surrounding area

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.

To the south of the site, the land is zone RU1 Primary Production made up of larger lots with a minimum lot size of 200ha.



Figure 2 – Locality map

Source – eplanning spatial mapping

1.5 Summary of recommendation

Proceed with condition –

- Prior to community consultation amend the planning proposal to include Lot 13 DP 1113455 west of the subject land. The site sits between the subject land and the Grange lifestyle village. The site has similar characteristics to the lots subject to the planning proposal and is currently zoned R5 Large Lot Residential with a minimum lot size of 2ha. The site has a total area of approximately 1.587ha and contains a single dwelling and ancillary structures. and would yield approximately 3 potential lots. The site is identified in Figure 1 above. This was discussed with Council staff 26 September 2019 and it was agreed that the lot should have been included in the original planning proposal.
- The Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management) shall be consulted.
- 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 facilitate addition large lot residential development on the subject land.

2.2 Explanation of provisions

The planning proposal seeks the following:

1. Rezoning of 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 Figure 3 below.



Figure 3 – Existing and propose zoning

Source – Wagga Wagga Planning Proposal (Attachment A)

2. Reduction of the min the minimum lot size requirement applicable to 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 Figure 4 below.



Figure 4 – Existing and proposed minimum lot size
Source – Wagga Wagga Planning Proposal (Attachment A)

The planning proposal will achieve this by amending the Land Zoning Map LZN_004E, Land Zoning Map LZN_004G, Lot Size Map LSZ_004E and Lot Size Map LSZ-004G of the Wagga Wagga Local Environmental Plan 2010.

The explanation of intended effects in the planning proposal is considered to be adequate for community consultation.

2.3 Mapping

The planning proposal includes proposed Land Zoning and Minimum Lot Size Maps which illustrate the proposed amendments to the Wagga Wagga LEP 2010. The maps are considered suitable for community consultation.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal states that 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. Wagga has a growth rate of 1.2% and is anticipated to exceed 80,000 people in 2040. To achieve this, an additional 14,000 homes is required 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 as part of the planning proposal lodged under LEP 18/0004 to ascertain that the creation of additional lots was 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.

The provision of more infill opportunities is vital for Council accommodating future growth. It is therefore considered that the planning proposal is the best means of achieving the intended outcome.

4. STRATEGIC ASSESSMENT

4.1 State

There is no applicable state strategic planning framework.

4.2 Riverina Murray Regional Plan

Land in the Wagga Wagga Local Government Area 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 Goals and Directions as applicable:

- Direction 1: Protect the region's diverse and productive agricultural land.
- Direction 15: Protect and manage the region's many environmental assets.
- 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, affordability, including a greater mix of housing.
- 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 to increase housing choice, facilitates infill development within an existing large lot residential area and will not detract from surrounding agricultural practices.

4.3 Local

The planning proposal complies with the Wagga Wagga Spatial Plan 2013-2043.

The Wagga Wagga Spatial Plan 2013-2043 encourages additional housing opportunities within existing urban areas where existing services and amenities are already provided. The proposal to rezone the land and reduce the 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.

4.4 Section 9.1 Ministerial Directions

1.2 Rural Zones

The planning proposal identifies Direction 1.2 Rural Zones as applicable to the planning proposal as it will affect land within an existing rural zone.

The proposal is considered to be INCONSISTENT with this direction as it proposes to rezone land from a rural zone to a large lot residential zone.

The planning proposal states that it is consistent with the terms of this direction as the rezoning of the small portion of RU1 Primary Production land reflects the existing large lot residential nature of the site and therefore there will be no loss in agricultural production.

Recommendation: The minimum lot size applying to small portion of the RU1 Primary Production land is 2ha. This is same lot size applicable to the surrounding R5 Large Lot Residential Zone and the predominant land use is residential. Therefore, the Secretary's delegate can be satisfied that the inconsistency is of minor significance.

1.5 Rural Lands

This Direction does apply to the planning proposal as it will affect land within an existing rural.

The proposal has considered the existing use of the RU1 Primary Production land, the existing minimum lots size applicable to the site and subdivision pattern. The planning proposal has demonstrated that the inconsistency with Direction 1.5 Rural Lands is minor and justified.

Recommendation: The Secretary' delegate can be satisfied that the inconsistency is of minor significance.

2.1 Environment Protection Zones

This Direction does apply to the planning proposal as it applies when a planning proposal is prepared.

The proposal has adequately addressed the requirements of the direction. The Natural Resource Sensitivity Biodiversity Mapping does not indicate the presence of biodiversity sensitivities on the subject land. With the exception of 11, 13 and 15 Tallowood Crescent, the land has been bio-certified for the urban area and as such is not likely to affect any threatened species, population or ecological community, or its habitat.

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

2.3 Heritage Conservation

This Direction does apply to the planning proposal as it applies when a planning proposal is prepared.

The planning proposal states the site is not identified as a site containing known significant cultural and/or heritage values or items. A Due Diligence investigation is required prior to any development application for subdivision in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

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

3.1 Residential Zones

This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone.

The planning proposal states the proposal will provide the opportunity to develop the site with a mix of housing types that will address housing needs and anticipated population growth. It will create the potential for an additional 130 lots.

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

3.4 Integrating Land Use and Transport

This Direction does apply to the planning proposal as it will create and alter a zone/provision relating to urban land.

The planning proposal states the subject site is located within an existing urban settlement area with access to existing road infrastructure and public transport to the city. 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 and access arrangements. The plan must be informed by a traffic assessment

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

4.3 Flood Prone Land

This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that is affected by flood prone land. The planning proposal is inconsistent with the Direction as the planning proposal intends on rezoning rural flood prone land to residential.

The planning proposal states that the land is not mapped as impacted by riverine flooding, however a small portion of land is impacted by overland flow flooding in a major rain storm event, as identified in Major Overland Flood Study of 2011. Further consideration of overland flow would occur at development application stage. The small areas along the eastern boundary of the precinct and north along Gregadoo Road 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.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal's inconsistency with this Direction is of a minor significance. The Gateway

Determination will also be conditioned to consult with the Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management).

5.10 Implementation of Regional Plans

The Direction applies to the planning proposal as it affect land subject to the Riverina Murray Regional Plan 2036.

As identified above (4.2) the planning proposal has considered the relevant Directions in the Riverina Murray Regional Plan 2036.

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

4.5 State environmental planning policies (SEPPs)

The planning proposal identified SEPP No 55 – Remediation of Land as being applicable to the site. Council has provided the following assessment of the site.

Complies. The SEPP requires Council to consider contamination of land as part of a rezoning application. Even though no report has been prepared in relation to a preliminary investigation, Council's evaluation concludes that due to the previous land uses (being grazing), it is unlikely that the land has been contaminated. The land is not listed on Council's potentially contaminated register nor is there any visible evidence of contamination on the land. With the information available, Council considers the risk of contamination low and that the planning proposal may proceed.

Council has therefore considered whether the land is contaminated based on its current and known historical use and is satisfied that the planning proposal can proceed. Accordingly, the planning proposal is consistent with the requirements of SEPP 55.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal has adequately justified the positive social effects of the amendment. The planning proposal has stated, the addition of dwellings to the housing stock is a major driver of population growth in in the city, providing opportunities for households to relocate from other areas or new households to form locally. 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.

The proposal to rezone the land and to reduce the minimum lot size requirement is based on site opportunities to optimise use of the land that is currently serviced by public infrastructure and accessible to existing local community facilities.

5.2 Environmental

As identified in the Section 9.1 Directions, Council have adequately addressed any potential environmental matters associated with the planning proposal. The planning proposal has stated that the land is not impacted by any Natural Resource Sensitivity

Biodiversity Mapping and whilst the land is subject to overland flows, the impacts are manageable and minor. As such the planning proposal is unlikely to result in any major environmental impacts.

5.3 Economic

The proposal will provide rural residential development in proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewerage and waste services and social and community infrastructure.

6. CONSULTATION

6.1 Community

Council have undertaken preliminary consultation with existing and adjoining land owners, to ascertain their support for the proposal.

Council have proposed that the planning proposal will be exhibited for at least 28 days with an opportunity to make submissions within a 42 day period.

This is considered to be appropriate and the 28 day exhibition period will be conditioned as part of the Gateway Determination.

6.2 Agencies

Council have not identified any agency consultation. However, as the site is subject to overland flood, the gateway determination has been conditioned to ensure that Council consult with Department of Planning, Industry and Environment – Biodiversity Conservation Division (Floodplain Management).

7. TIME FRAME

The planning proposal indicates that the plan-making process can be completed within 10 months of the date a Gateway determination is issued.

It is recommended that the timeframe for completing the LEP be 12 months to account for any unexpected delays in the plan-making process.

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

The planning proposal is supported to proceed subject to conditions requiring consultation with public authorities and the community. The intended outcome of the planning proposal is considered suitable given the proposed zones and lot sizes are consistent with the surrounding land use and subdivision pattern, and the site has access to essential services and infrastructure. In addition, information provided in support of the planning proposal demonstrates the flood risk associated with the site is low.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Land are minor and justified; and
2. note that the consistency with section 9.1 Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones and 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans.

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:
 - The Department of Planning, Industry and Environment – Biodiversity Conservation Division (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. Prior to community consultation amend the planning proposal to include Lot 13 DP 1113455 west of the subject land.



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