

**RP-3      PROPOSED AMENDMENT TO THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - REZONING OF 53 PLUMPTON ROAD AND 108 BRINDABELLA DRIVE, TATTON****Author:**      Adriaan Stander**Director:**    Natalie Te Pohe**Summary:**

Council is receipt of a Planning Proposal to rezone Lot 53 Plumpton Road and 108 Brindabella Drive, Tatton. An assessment of the planning proposal resulted in a slightly different approach than presented by the proponent. The recommendation is that the planning proposal may proceed as follows:

1.    Rezoning of part of Lot 336 DP 1247818, part of Lot 10 and Lot 11 DP 1113058, and part of Lot 335 DP 1247818 from E2 Environmental Conservation and R5 Large Lot Residential to R1 General Residential
2.    Rezoning of part of Lot 336 DP 1247818 from E2 Environmental Conservation to R5 Large Lot Residential.
3.    Remove the minimum lot size requirement of 0.2ha that applies to part Lot 335 DP 1247818
4.    Apply a minimum lot size requirement of 0.2ha to part of Lot 336 DP 1247818.

**Recommendation**

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That Council:

- a    support planning proposal LEP18/0005 and addendum prepared to amend the Wagga Wagga Local Environmental Plan 2010
- b    submit a planning proposal to the Department of Planning and Environment for Gateway Determination
- c    receive a further report if submissions are received during the exhibition period
  - i    addressing any submissions made in respect of the planning proposal
  - ii   proposing adoption of the planning proposal unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period

**Application Details**

**Submitted Proposal:** Planning Proposal to rezone Lot 53 Plumpton Road and 108 Brindabella Drive, Tatton.

**Land Owner:**      Matt Jenkins Pty Ltd

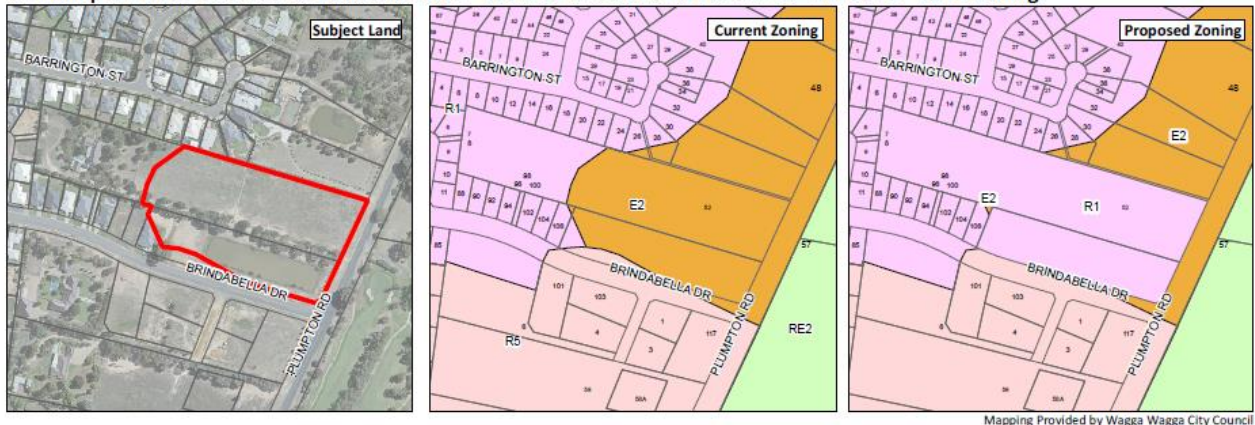
**Proposal**

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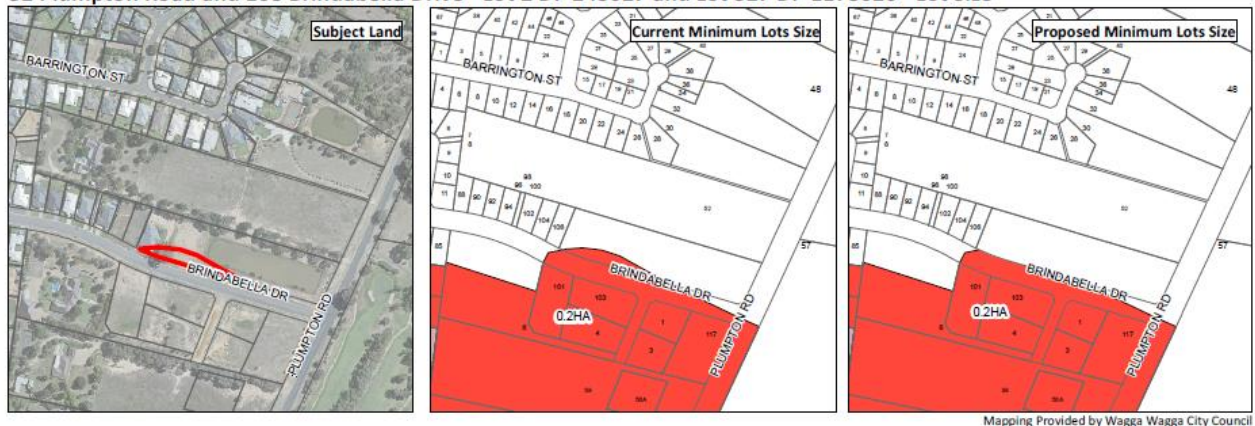
Council is in receipt of a planning proposal from Matt Jenkins Pty Ltd, seeking to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to rezone part of Lot 2 DP243027 and part of Lot 327 DP 1187026 (now consolidated in to Lot 336 DP 1247818) from E2 Environmental Conservation and R5 Large Lot Residential to R1

General Residential. The proposal is also to remove the minimum lot requirement of 0.2ha of the LEP that applies to part of the land as per the illustration below.

52 Plumpton Road and 108 Brindabella Drive - Lot 2 DP 243027 and Lot 327 DP 1178026 - Land Zoning



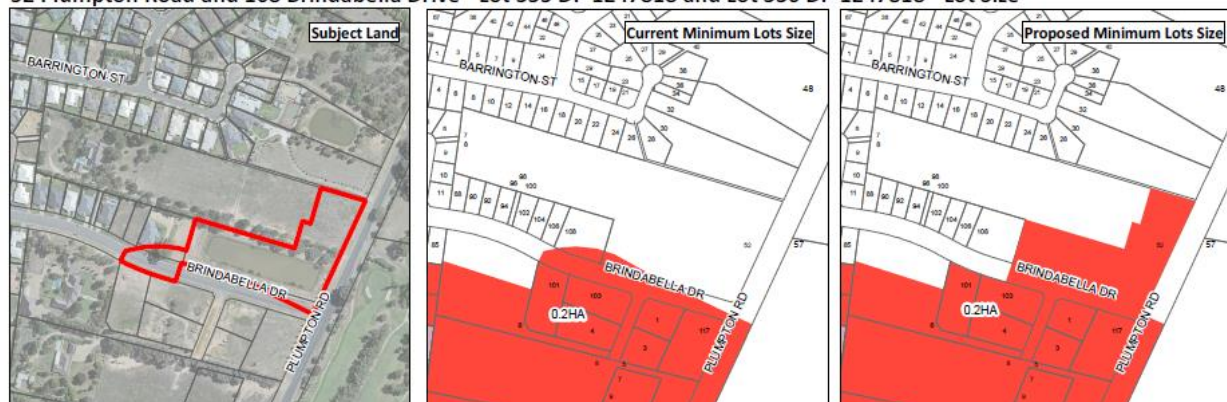
52 Plumpton Road and 108 Brindabella Drive - Lot 2 DP 243027 and Lot 327 DP 1178026 - Lot Size



A more detailed description of the proposal with supporting information is attached to this report.

An assessment of the planning proposal has concluded that the proposal may proceed with the following changes as per the details and illustrations below:

1. Rezoning of part of Lot 336 DP 1247818, part of Lot 10 and Lot 11 DP 1113058, and part of Lot 335 DP 1247818 from E2 Environmental Conservation and R5 Large Lot Residential to R1 General Residential
2. Rezoning of part of Lot 336 DP 1247818 from E2 Environmental Conservation to R5 Large Lot Residential.
3. Remove the minimum lot size requirement of 0.2ha that applies to part Lot 335 DP 1247818
4. Apply a minimum lot size requirement of 0.2ha to part of Lot 336 DP 1247818.

**52 Plumpton Road and 108 Brindabella Drive - Lot 335 DP 1247818 and Lot 336 DP 1247818 - Land Zoning****52 Plumpton Road and 108 Brindabella Drive - Lot 335 DP 1247818 and Lot 336 DP 1247818 - Lot Size****Site and locality**

The subject site is located on the northern side of Brindabella Drive, Tatton and is partly located within the R1 General Residential Zone, E2 Environmental Conservation Zone and R5 Large Lot Residential Zone.

Land on the southern side of Brindabella Drive incorporates the very southern fringe of Tatton and transitions to Springvale, a rural residential area. Land to the east is zoned RE1 Public Recreation and is occupied by the Wagga Wagga Country Club.

**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.

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

Council officers are 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 that 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. The proposal to rezone the land 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. Justification for an alternative zoning and minimum lot size provision**

The subject land was originally considered as part of the Tatton residential neighbourhood, however due to historic overland flooding and concerns relating to salinity and shallow groundwater, the land was zoned E2 Environmental Conservation. Further studies and investigation by the proponent have concluded that the subject land is unreasonably restricted through its zoning.

The overland flow flood modelling undertaken by WMA Water confirmed that the area is impacted by the design flood (the 1% AEP event), generally falling within a low hazard flood storage area and the flood fringe. A minor flow path is located on the very eastern edge of the subject land but does not constitute the main floodway. The flood impact of development on the subject land was modelled using a preliminary development concept. The maximum off-site impact is 0.3 metres within the retention basin at 108 Brindabella Drive and 0.05 metres on the western side of the basin. Accordingly, the off-site flood level impact is viewed as relatively minor. Further consideration of the development concept would occur

at development application stage and could include design measures to lessen the flood impact if required.

The area to the north of the subject site is not considered appropriate for intensification as a result of overland flow flooding and as such will remain restricted for now. Council officers will review the remaining E2 land to the north of the subject site as part of other E2 zoned land in the city in future.

Investigations indicated that the salinity risk rating is 'low' where the groundwater depth is between 5-10 metres and 'very low' where it exceeds 10 metres. The readings have revealed a general decline in the standing water level and has remained steady around 9 metres below ground level for the last 10 years. The piezometer was established in 1997 and readings have been taken in both severe drought conditions and periods of above average rainfall. The recorded levels substantiate the view that a shallow groundwater presence is unlikely to be a concern for this area.

In light of the above, the E2 Environmental Conservation zoning on the subject land is considered inappropriate. The proposed rezoning to R1 General Residential and R5 Large Lot Residential is consistent with the amenity of the Tatton neighbourhood and will assist in maximising the development opportunities on the site which in turn will contribute to a mix housing of types to accommodate the city's growth forecasts. The change in zoning and new lot size provision will increase the development yield of the site to approximately 40 lots. The proposed minimum lot size requirement along Plumpton Road aligns with the lot sizes proposed in the concept subdivision plan and will ensure that future subdivision will be reflective of the existing rural residential environment along Plumpton Road and to the south of Brindabella Drive.

## **5. 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. Phasing and service planning of new development areas must ensure that services can be equitably provided to meet baseline community needs and expectations.

The site is located in an existing urban environment and has access to existing services and infrastructure including roads, reticulated water and waste collection services. Other infrastructure networks and services, including 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. Existing sewer capacity can accommodate the development potential on the site of approximately 40 additional lots.

A stormwater management strategy shall be developed for the site as part of any future development application on the site. The strategy shall recognise the existing dam located in the south western corner of the site which serves an important role in stormwater mitigation of the Tatton neighbourhood. The dam shall be incorporated into the strategy for the site and dedicated to Council as part of a future subdivision application.

In terms of traffic, the planning proposal is supported by a traffic impact assessment which concluded that the proposed LEP amendment and preliminary

subdivision concept is likely to have minimal impact on the existing road network. Any future development application on the site will require a detailed assessment in relation to the above and may require augmentation in consideration of the final subdivision design.

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## 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. The proposal is supported for the following reasons:

1. It complies with the provisions of the endorsed strategic documents, including Riverina Murray Regional Plan 2036 and Wagga Wagga Spatial Plan 2013 -2043. Where inconsistencies exist, it has been justified.
2. It meets all relevant Section 9.1 (previously Section 117) Ministerial Directions
3. Addresses all applicable State Environmental Planning Policies
4. Demonstrates that the existing E2 Environmental Conservation Zone is not appropriate for the site and that the proposed R1 General Residential Zoning and R5 Large Lot Residential Zoning will assist in providing a mix of housing options available in the city to address anticipated population growth.

Taking into account the full range of matters that have been considered as part of this assessment, it is considered that support for the proposal is reasonable and in the public's interest.

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## Financial Implications

In accordance with Council's 2018/19 Fees and Charges, a Minor LEP Amendment (medium complexity) attracts total application fees of \$15,000.00. The proponent has paid this fee. There are no requirements to amend the DCP therefore the \$2,000 fee for such action is not required to be paid in this instance.

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## Policy and Legislation

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

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## Link to Strategic Plan

### The Environment

Objective: We plan for the growth of the city

Outcome: We have housing that suits our needs

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## Risk Management Issues for Council

An approval of the proposal may be subject to public scrutiny during the formal public consultation process, and may put additional pressure on Council to review land that is zoned E2 Environmental Conservation Land throughout the local government area.

Refusal of the application may result in an appeal process. The applicant has the ability to appeal Council's decision by submitting the planning proposal 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 cross-directorate internal referral occurred. The proposal is supported in principle. Existing infrastructure is able to support the anticipated development outcome. The dam on the south-eastern side of the site is important for stormwater mitigation strategies for the suburb and should become the responsibility of Council.

A Councillor workshop was held in relation to this matter on 21 January 2019.

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

Proposed consultation methods are indicated in the table below.

	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
TIER																	
Consult		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>									<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

### Attachments

1. LEP18/0005 - Council Officer's Assessment
2. LEP18/0005 - Addendum to Planning Proposal
3. LEP18/0005 - Planning proposal submitted by proponent - Provided under separate cover