

## Planning Services

### Gateway determination report

<b>LGA</b>	Wagga Wagga
<b>PPA</b>	Wagga Wagga City Council
<b>NAME</b>	Planning proposal to rezone land at Tatton for residential use (20 homes)
<b>NUMBER</b>	PP 2019 WAGGA 002 00
<b>LEP TO BE AMENDED</b>	Wagga Wagga LEP 2010
<b>ADDRESS</b>	Brindabella Drive, Tatton 2650 Barrington Street, Tatton 2650
<b>DESCRIPTION</b>	Lots 335 & 336 DP 1247818 Lot 326 DP 1178026 Lots 10 & 11 DP 1113058
<b>RECEIVED</b>	7 March 2019
<b>FILE NO.</b>	IRF19/1555
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The planning proposal seeks to rezone the eastern portion of Lot 336 DP 1247818 (Lot 336) for residential use. The proposal will also make minor amendments to the alignment of zone and minimum lot size boundaries.

### Site description

The planning proposal applies to the following land:

- Lots 335 & 336 DP 1247818, Brindabella Drive, Tatton
- Lot 326 DP 1178026, Brindabella Drive, Tatton
- Lots 10 & 11 DP 1113058, Barrington Street, Tatton

Lot 336 has an area of 4 hectares and is located at the corner of Plumpton Road and Brindabella Drive, Tatton. A dwelling house is situated on the western portion of Lot 336 and is surrounded by scattered mature vegetation. A retention basin is situated in the south eastern portion of the site while the remainder of Lot 336 is vacant.

Of the remaining lots, two have existing dwellings situated on them while two are vacant. The land to which the planning proposal applies is depicted in **Figure 1**.

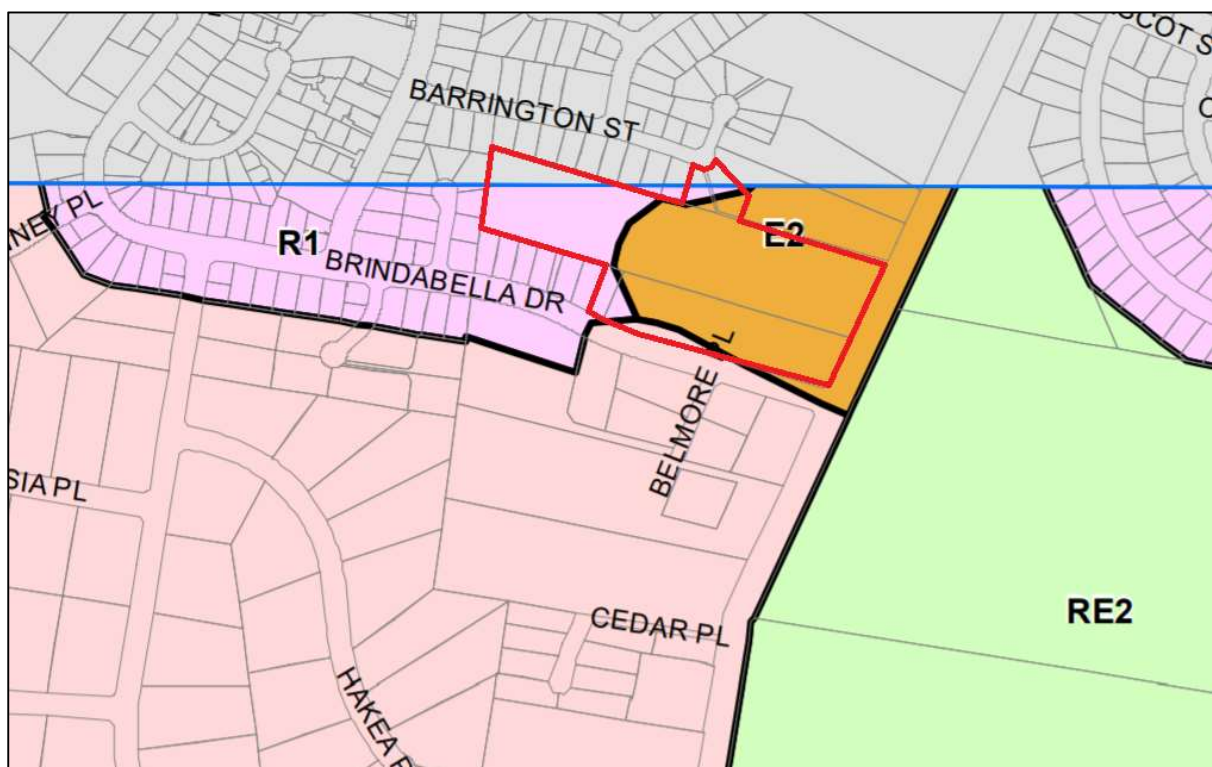


**Figure 1: Aerial photograph of the subject area**

Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)

### Existing planning controls

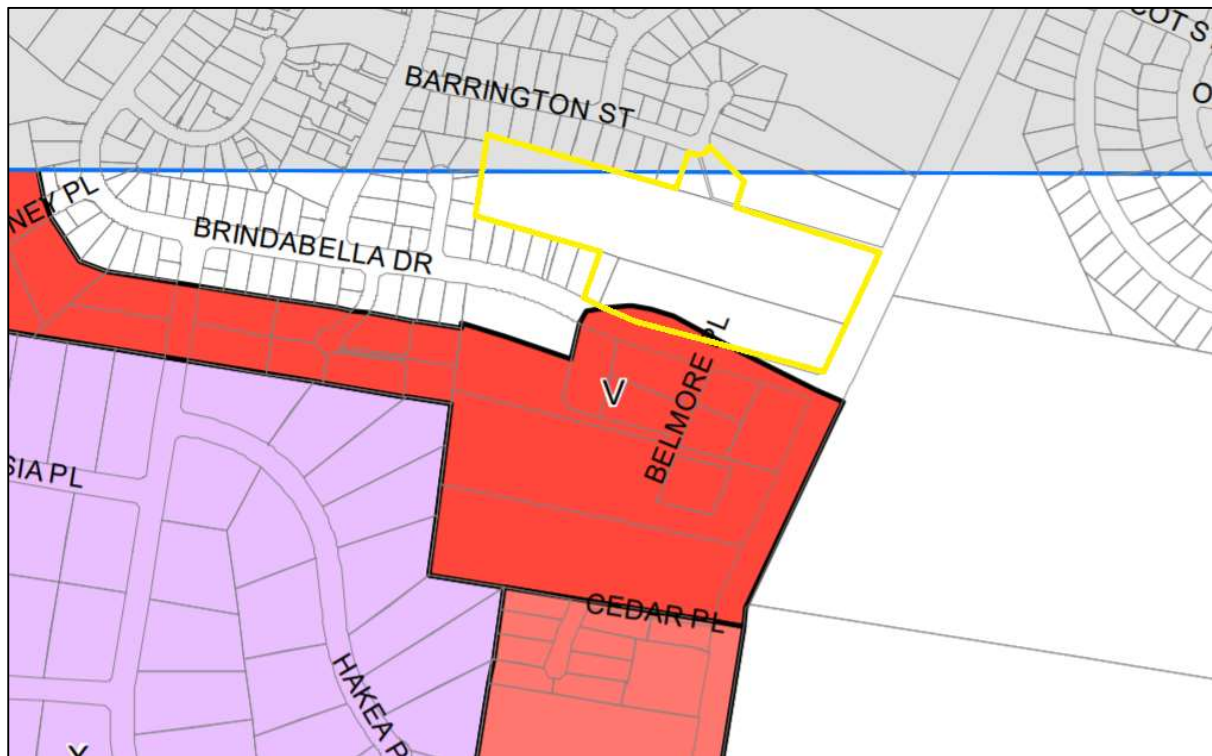
The subject area is zoned part E2 Environmental Conservation, part R1 General Residential and part R5 Large Lot Residential. **Figure 2** identifies the subject area on Land Zoning Map LZN\_004E.



**Figure 2: Zoning of the site and surrounding area**

Source: [legislation.nsw.gov.au](https://legislation.nsw.gov.au)

As indicated in **Figure 3**, a minimum lot size of 2000 square metres applies to part of Lots 335 & 336 DP 1247818.



**Figure 3: Minimum lot size of the site and surrounding area**

Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au)



### Surrounding area

The surrounding area is characterised by residential development. The subject area adjoins land zoned R1 General Residential to the north west and is separated from land zoned R5 Large Lot Residential to the south west by Brindabella Drive. A golf course is adjacent to the subject area on the eastern side of Plumpton Road. The surrounding area is depicted in **Figure 4**.



Figure 4: Aerial photograph of the site and surrounding area

Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)

### Summary of recommendation

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

- The planning proposal is to be updated prior to community consultation to incorporate the addendum prepared by Council;
- The planning proposal is to be updated prior to community consultation to include Lot 326 DP 1178026 in the explanation of provisions section;
- Consultation is required with the following public authorities:
  - Office of Environment and Heritage (Floodplain Management)
  - Department of Primary Industries (Water)
- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 12 months;

## PROPOSAL

### Objectives or intended outcomes

The intended outcome of the planning proposal is to facilitate a residential subdivision of Lot 336. The planning proposal also seeks to realign zone and minimum lot size boundaries applying to Lot 335 DP 1247818, Lot 326 1178026 and Lots 10 & 11 DP 1113058.

### Explanation of provisions

The planning proposal seeks to amend the Wagga Wagga LEP 2010 as follows:

- Rezone part of Lot 336 DP 1247818 from E2 Environmental Conservation to R1 General Residential and R5 Large Lot Residential.
- Apply a minimum lot size of 2000 square metres to the land proposed to be zoned R5 Large Lot Residential.
- Make minor amendments to the alignment of zone and minimum lot size boundaries applying to Lot 335 DP 1247818, Lot 326 DP 1178026 and Lots 10 & 11 DP 1113058.

**Figures 5 and 6** demonstrate the proposed amendments to Land Zoning Map LZN\_004E and Lot Size Map LSZ\_004E.



Figure 5: Existing and proposed Land Zoning Map

Source: Wagga Wagga City Council



**Figure 6: Existing and proposed Lot Size Map**

**Source: Wagga Wagga City Council**

Council has confirmed the planning proposal needs to be updated prior to community consultation to include Lot 326 DP 1178026 in the explanation of provisions section in accordance with the above indicative LEP maps.

### **Mapping**

As noted above, the planning proposal seeks to amend Land Zoning Map LZN\_004E and Lot Size Map LSZ\_004E. An addendum to the planning proposal submitted by Council includes indicative Land Zoning and Lot Size Maps which are considered suitable for community consultation.

### **NEED FOR THE PLANNING PROPOSAL**

The planning proposal submitted to Council by the proponent applies to Lots 335 & 336 DP 1247818 only. The proponent's proposal seeks to rezone the eastern portion of the site to R1 General Residential with no minimum lot size. Council has resolved to amend the planning proposal to rezone a portion of the site to R5 Large Lot Residential with a minimum lot size of 2000 square metres. Council has prepared an addendum to the planning proposal in accordance with this approach with the intent of reflecting the existing subdivision pattern of land to the south of the subject area along Plumptre Road. In addition, Council's addendum seeks to realign zone and minimum lot size boundaries applying to Lot 335 DP 1247818 and Lots 10 & 11 DP 1113058.

The portion of Lot 336 zoned E2 Environmental Conservation is proposed to be rezoned in accordance with the findings of a flood impact assessment prepared in support of the planning proposal. This portion of the site, which was originally considered as part of adjoining residential area, was zoned E2 as part of implementation of the Wagga Wagga LEP 2010 due to risks associated with overland flow flooding on the site, as well as salinity and vulnerable groundwater concerns. The findings of the flood impact assessment are discussed in further detail in the SITE-SPECIFIC ASSESSMENT section below.



The intended outcome of the planning proposal is considered suitable noting the abovementioned flood impact assessment indicates the flood risk associated with residential development on the site is low. 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.

The planning proposal is the best means of achieving the intended outcome of facilitating residential development on the portion of Lot 336 zoned E2.

## **STRATEGIC ASSESSMENT**

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### **State**

There is no applicable state strategic planning framework.

### **Regional / District**

Land within the Wagga Wagga LGA is subject to the Riverina Murray Regional Plan 2036. The planning proposal indicates that it is consistent with the following Directions of the Regional Plan:

- 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; and
- Direction 28: Deliver healthy built environments and improved urban design.

Directions 16 and 25 are considered relevant to determining the strategic merit of the planning proposal.

The intended outcome of facilitating residential development on the site is consistent with Directions 16 and 25. The planning proposal is supported by a flood impact assessment which indicates the flood risk associated with residential development on the site is low, ensuring the community's exposure to natural hazards is reduced.

In addition, the planning proposal supports increased housing choice and makes efficient use of existing infrastructure by rezoning land adjoining an existing residential neighbourhood for residential use.

### **Local**

The subject land is within an area identified in the Wagga Wagga Spatial Plan 2013/2043 as subject to potential intensification pending further investigation to determine the extent of overland flow flooding.

The planning proposal states that it aligns with the Spatial Plan by facilitating new residential development in an existing residential neighbourhood with access to services and infrastructure and on land categorised as having a low flood hazard.

Council is currently in the process of preparing a draft Activation Strategy which will consider the location of future growth areas and identify areas in the city that may be intensified through subdivision. The Activation Strategy will ultimately replace the Spatial Plan.

It is considered that the planning proposal is generally consistent with the Wagga Wagga Spatial Plan.

## **Section 9.1 Ministerial Directions**

### **2.1 Environment Protection Zones**

Direction 2.1 Environment Protection Zones applies as the planning proposal affects land within an existing environment protection zone. The planning proposal is inconsistent with the direction as it seeks to reduce the environmental protection standards that apply to the land.

The planning proposal seeks to rezone land zoned E2 Environmental Conservation to R1 General Residential and R5 Large Lot Residential. As noted above, the land was originally zoned E2 due to risks associated with overland flow flooding and salinity and vulnerable groundwater concerns.

The planning proposal is supported by a flood impact assessment which demonstrates the flood risk associated with the site is low. Accordingly, Council now considers the E2 Zone to be inappropriate given the land has no significant environmental sensitivities.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal's inconsistency with direction is justified by a study prepared in support of the planning proposal.

### **3.1 Residential Zones**

Direction 3.1 Residential Zones applies as the planning proposal affects land within an existing residential zone. The planning proposal states it is consistent with the direction as it will provide additional housing choice, avoid consumption of land on the urban fringe and make more efficient use of existing infrastructure.

The planning proposal facilitates the intended outcome without consuming greenfield land on the urban fringe. Facilitating residential development on the site makes more efficient use of existing infrastructure and services by accommodating development within an established residential area. For these reasons, the planning proposal is considered to be consistent with the Direction.

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

### **3.4 Integrating Land Use and Transport**

Direction 3.4 Integrating Land Use and Transport applies as the planning proposal creates a zone relating to urban land. The planning proposal states it is consistent with the direction as the subject area is within an established residential area with access to a variety of transport modes.

The planning proposal seeks to facilitate additional development within an established residential area with access to existing infrastructure and services.

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



#### 4.3 Flood Prone Land

Direction 4.3 Flood Prone Land applies as the planning proposal seeks to rezone land prone to overland flow flooding from Environmental Protection to Residential. The planning proposal states it is inconsistent with the direction, but the inconsistency is of minor significance.

As noted above, the land was originally zoned E2 Environmental Conservation due to risks associated with overland flow flooding and salinity and vulnerable groundwater issues on the site.

The planning proposal is supported by a flood impact assessment which demonstrates the flood risk associated with the site is low. Based on the findings of this assessment, the area of Lot 336 proposed to be rezoned for residential use does not include land within a floodway and development of the land will not result in significant on or off-site flood impacts. The findings of the assessment are discussed in further detail in the SITE-SPECIFIC ASSESSMENT section below.

In accordance with the findings of the flood impact assessment, Council now considers the land is suitable for residential use.

It is recommended that the planning proposal proceed subject to consultation with the Office of Environment and Heritage (Floodplain Management) to validate the findings of the flood impact assessment prior to determining whether the inconsistency with the direction can be considered to be of minor significance.

**Recommendation:** The Secretary's delegate note that consistency with the direction is unresolved pending consultation with the Office of Environment and Heritage.

#### 5.10 Implementation of Regional Plans

Direction 5.10 Implementation of Regional Plans applies as the planning proposal relates to land subject to the Riverina Murray Regional Plan 2036.

The planning proposal is consistent with the terms of this Direction as the proposal is generally consistent with the Riverina Murray Regional Plan 2036. An 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.

#### **State environmental planning policies (SEPPs)**

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

Council has considered whether the land is contaminated and is satisfied that the contamination risk is low. Accordingly, it is considered that additional consideration of this matter can be undertaken during the assessment of any future development application in accordance with the SEPP.

## SITE-SPECIFIC ASSESSMENT

### Social

The planning proposal is unlikely to result in negative social impacts. By facilitating additional residential development within an established residential area, the planning proposal provides additional housing opportunities without increasing the potential for land use conflict with surrounding land uses.

In addition, the flood impact assessment submitted in support of the planning proposal demonstrates the off-site impact of developing the site for residential use is minor and unlikely to affect surrounding properties.

### Environmental

As noted above, the eastern portion of Lot 336 was zoned E2 as part of implementation of the Wagga Wagga LEP 2010 due to risks associated with overland flow flooding on the site, as well as salinity and vulnerable groundwater concerns.

The flood impact assessment prepared in support of the planning proposal indicates the site is subject to the 1% AEP flood event. **Figure 7** depicts the peak flood levels and depths associated with the 1% AEP flood event (the site is identified on the map as Scenario A).

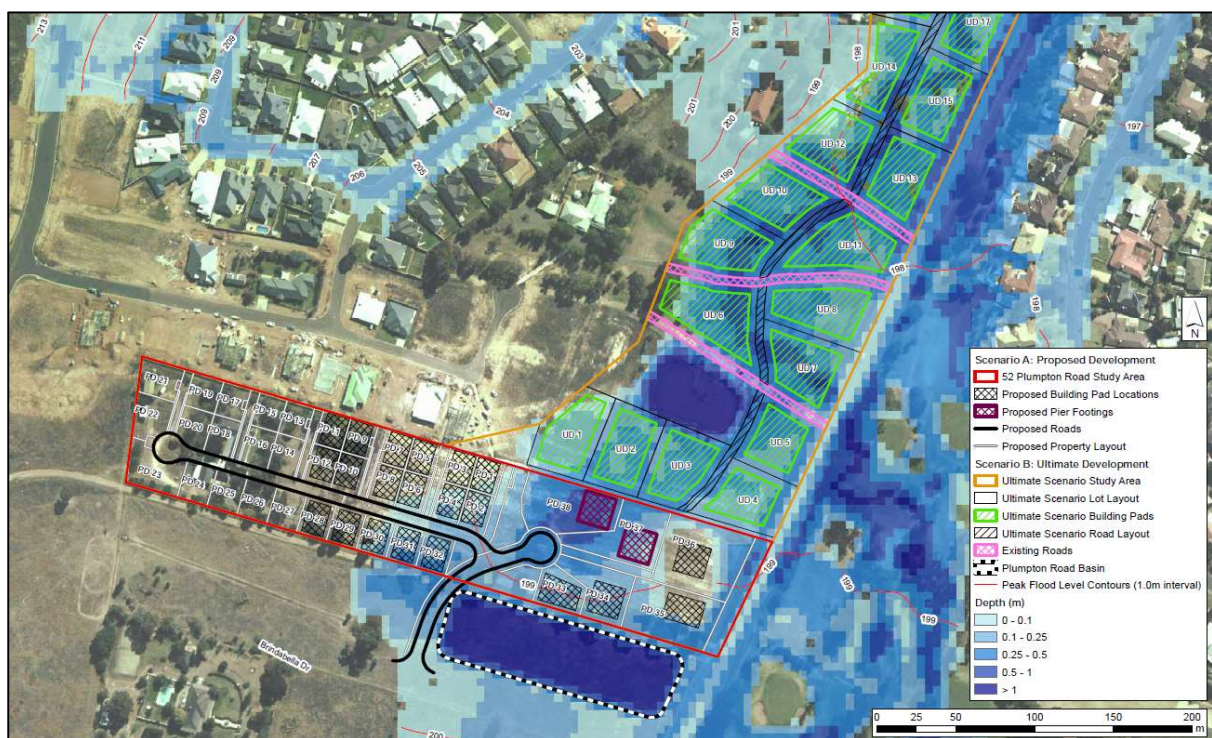


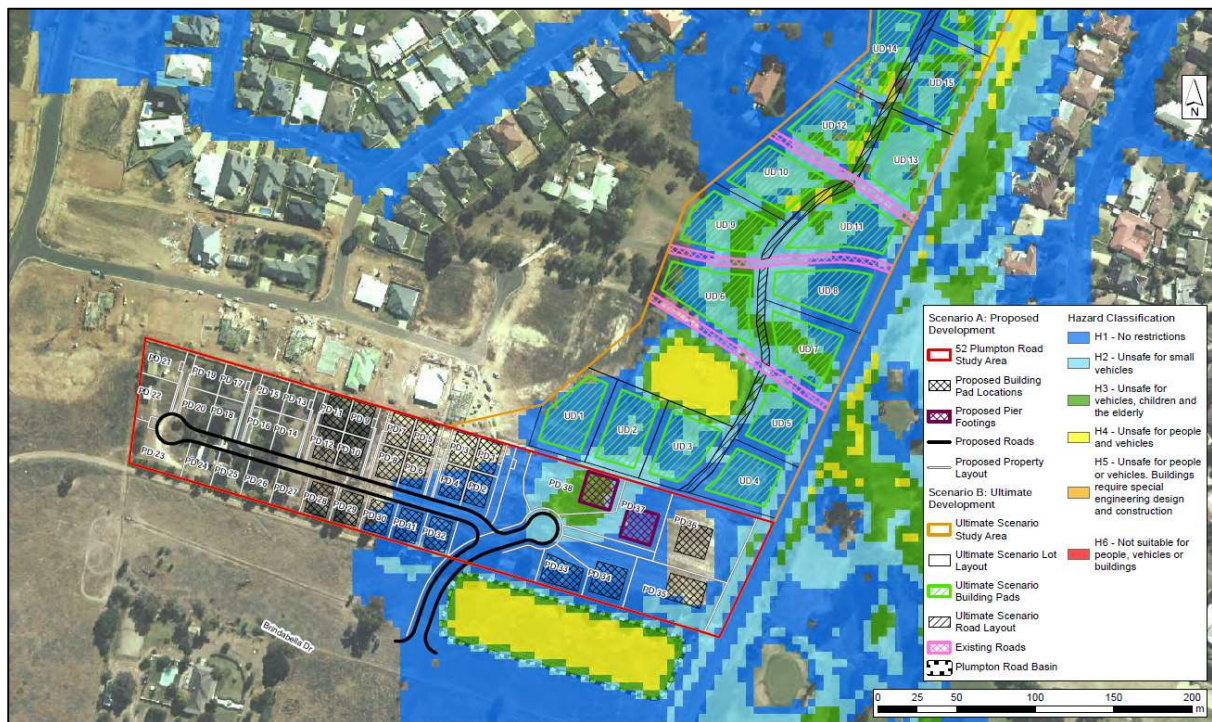
Figure 7: Peak flood levels and depths - 1% AEP Event

Source: WMA Water, 2018

The flood impact assessment indicates the portion of Lot 336 proposed to be rezoned is classified as a low hazard flood storage and flood fringe area. **Figure 8** depicts the hazard categorisation of the subject area which demonstrates the land proposed to be rezoned is mostly identified as generally safe for vehicles, people



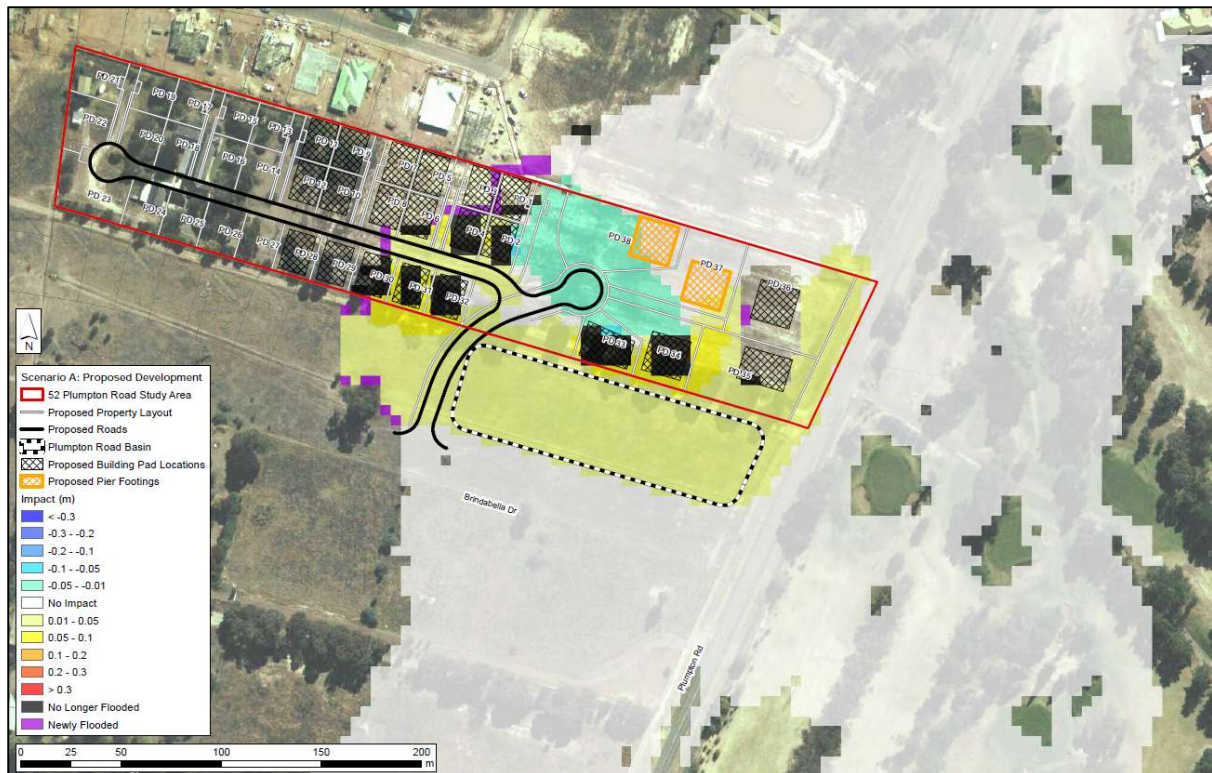
and buildings. Small portions of the site along the eastern and northern boundaries have slightly higher hazard categorisations.



**Figure 8: Flood hazard classification – 1% AEP Event**

**Source: WMA Water, 2018**

**Figure 9** demonstrates the impacts of residential development on the site using a concept subdivision layout. The development concept utilised for the flood model results in flood level impacts within the retention basin situated at the southern portion of Lot 336 of 0.05 metres. The flood model indicates development consistent with the concept design will not result in significant off-site flood impacts.



**Figure 9: Flood level impact of development - 1% AEP Event**

**Source: WMA Water, 2018**

In addition to the flood hazard associated with the site, the planning proposal addresses salinity and groundwater concerns associated with the site. A risk analysis report submitted in support of the planning proposal demonstrates the salinity risk is low given the groundwater depth has remained stable at around 9 metres over the last 10 years.

It is considered that the planning proposal demonstrates the site can be developed for residential purposes subject to appropriate design measures. In this regard, Council has indicated that a stormwater management strategy will be prepared as part of a future development application for subdivision of the site, incorporating the existing retention basin.

It is recommended that the planning proposal proceed subject to consultation with the Office of Environment and Heritage (Floodplain Management) and Department of Primary Industries (Water) to confirm the information provided in support of the planning proposal is sufficient justification for rezoning the site for residential use.

### **Economic**

The proposal is not considered to have any adverse economic impacts. The site is within an established residential area with access to essential infrastructure and services including reticulated water and sewerage systems.

## **CONSULTATION**

### **Community**

Given the planning proposal seeks to facilitate additional residential development within an existing residential neighbourhood, it is likely to generate community



interest. Accordingly, it is recommended that the planning proposal be made available for community consultation for a minimum of 28 days.

### **Agencies**

The planning proposal states that consultation with Office of Environment and Heritage and Department of Primary Industries (Water) is likely to be necessary.

Given the planning proposal seeks to rezone land subject to overland flow flooding, salinity and vulnerable groundwater concerns, consultation with the Office of Environment and Heritage (Floodplain Management) and Department of Primary Industries (Water) is recommended.

### **TIME FRAME**

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Council has indicated the LEP can be completed within 5 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.

### **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.

### **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.

### **RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 2.1 Environment Protection Zones are minor; and
2. 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:
  - Office of Environment and Heritage (Floodplain Management)
  - Department of Primary Industries (Water)
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 incorporate the addendum prepared by Council; and
6. The planning proposal is to be updated prior to community consultation to include Lot 326 DP 1178026 in the explanation of provisions section.



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**02/04/19**

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