

Planning Proposal

7307 Holbrook Road, Wagga Wagga

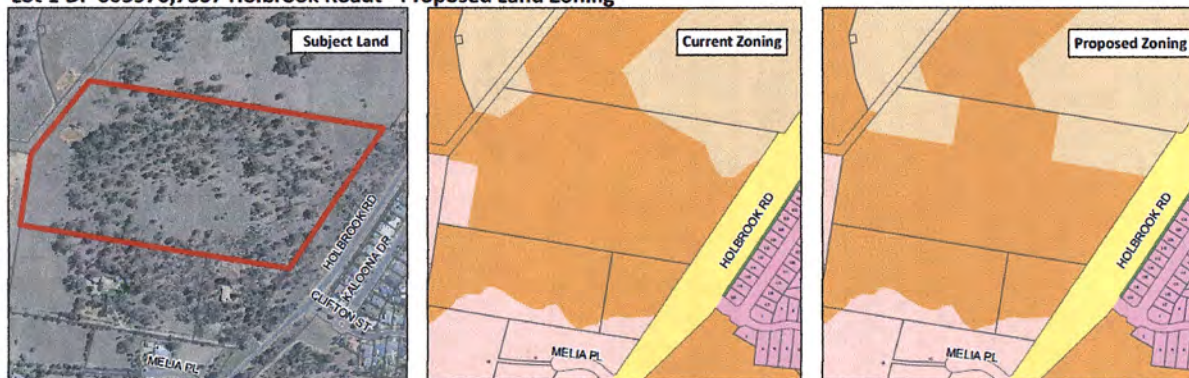
PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intended outcome of this Planning Proposal is to amend the Wagga Wagga Local Environmental Plan 2010 to change the zoning and minimum lot size for part of Lot 1 DP 605970, 7307 Holbrook Road Wagga Wagga to protect valuable Box-Gum Woodland and provide rural zoning in an appropriate location for a dwelling to be located.

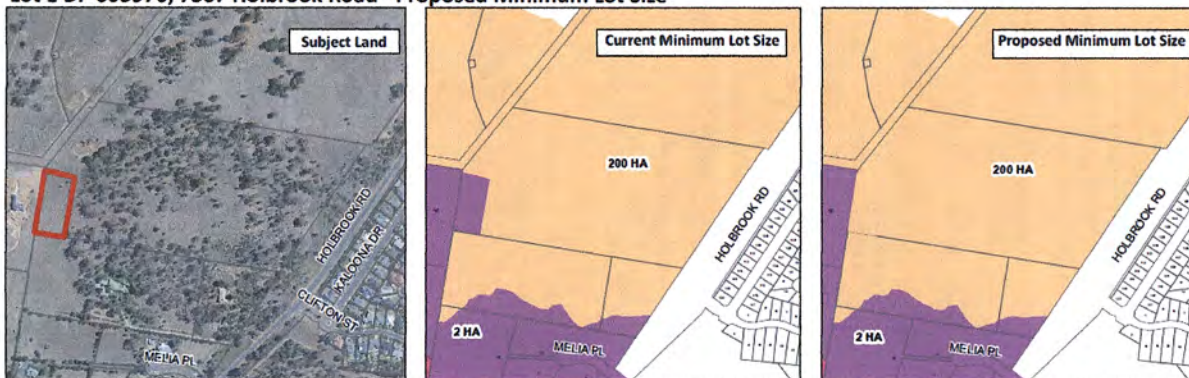
PART 2 – EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by amending the Wagga Wagga Local Environmental Plan 2010 Land Zoning and Minimum Lot Size Maps in accordance with the Proposed Land Zoning Map below:

Lot 1 DP 605970, 7307 Holbrook Road - Proposed Land Zoning



Lot 1 DP 605970, 7307 Holbrook Road - Proposed Minimum Lot Size



PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not accompanied by a specific strategic study or report, but it is the result of an acceptable alternative, namely the rigorous inspection of the land by the Office of Environment and Heritage (OEH) on two occasions and detailed examination of the land, in conjunction with consultant planners Newland Planning and Development and Kim Kennedy and Associates.

OEH have identified that the proposed zoning will result in the bulk of the Box-Gum on the site being retained in an E2 zone that will maintain connectivity to other E2 zones to the east, west and north. OEH support letter is provided as appendix 1.

NOTE: The OEH support letter provided as appendix 1 includes a residential subdivision layout. This layout does not form part of this planning proposal and was provided to OEH for consideration of long term residential development of Lloyd. Any changes to zoning of this lot to facilitate a residential subdivision will require a separate planning proposal addressing considerations of a residential subdivision in this location. This planning proposal does not indicate that the land is future residential or can be rezoned to residential. This planning proposal only reconfigures the existing environmental and rural zones and remove the large lot residential zone and 2ha minimum lot size only.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the intended outcomes of conserving the Box-Gum Woodland and providing appropriate zoned areas for a dwelling.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

a) Does the proposal have strategic merit?

Riverina Murray Regional Plan 2017

The planning proposal is consistent with the following actions:

Direction 15 Protect and manage the region's many environmental assets

The planning proposal will minimise the potential impacts arising from development and conserve areas of high environmental value through improve zoning configuration.

Direction 27 Manage rural residential development

The subject lot is 16ha in size and is surrounded by rural residential development. The planning proposal will provide improved zoning configuration for the location of a dwelling whilst conserving the high environmental valued Box-Gum Woodland. The planning proposal proposes to remove the R5 Large Lot Residential zone and 2ha minimum lot size, however, the ability to build a dwelling on the lot is retained through Clause 4.2A(3)(b) as a lot created prior to the commencement of the LEP.

b) Does the proposal have site specific merit?

The planning proposal has site specific merit as it responds to the natural environment and permissibility of a dwelling on the site.

4. Is the proposal consistent with a council's local strategy or other local strategic plan?

Community Strategic Plan 2040 - Wagga View

The planning proposal is consistent with the following objective & outcome.

Outcome: We protect and enhance our natural areas

The planning proposal will provide for the conservation of Box-Gum Woodland located on the site.

Spatial Plan 2013 – 2043

The Planning Proposal is consistent with the following objectives of Council's Spatial Plan 2013 – 2043:

Objective: We look after and enhance our natural environment

The planning proposal will conserve the Box-Gum Woodland located on the site through the E2 Environmental Conservation zone.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

A review of the relevant State Environmental Planning Policies is provided in the table below:

Consistency with applicable SEPPs	
SEPP Rural Lands	The planning proposal is consistent with the Rural Lands SEPP. The land is predominately E2 Environmental Conservation with a small amount of RU1 Primary Production zoned land that is not presently used for primary production purposes. The land is located within a rural residential area and has a small portion of rural residential zone with 2ha minimum lot size that will be rezoned to E2 with a 200ha minimum lot size consistent with the majority of the site.

6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

A review of the relevant S9.1 Ministerial Directions is provided in the table below:

Consistency with applicable S9.1 Ministerial Directions	
1.2 Rural zones	The planning proposal is consistent with this direction as it is not proposing to rezone land from a rural zone to residential, business, industrial, village or tourist zone. The amount of land zoned for rural purposes is increasing. The planning proposal does not propose increased permissible density of the land. The existing dwelling entitlement will be retained.
1.5 Rural Lands	The planning proposal is consistent with this direction and is consistent with Rural Lands SEPP as identified above.
2.1 Environmental Protection zones	The planning proposal facilitates the conservation of Box-Gum Woodland on the site through the proposed E2 Environmental Conservation zone.
4.4 Planning for Bushfire Protection	The land is identified as Category 1 bushfire prone land. The planning proposal is not increasing development potential on the land. The lot currently has potential to build a dwelling and this will remain. The planning proposal is removing large lot residential zoning and 2ha minimum lot size for part of the lot reducing further development opportunities.
5.10 Implementation of Regional Plans	The planning proposal is consistent with this direction as it facilitates the conservation of environmental assets and provides for a rural residential lot within existing rural residential areas.

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The lot has White-Box Woodland on the site which is an Endangered Ecological Community (EEC) under the NSW *Biodiversity Conservation Act 2016*. This proposal facilitates the protection of the EEC and contributes towards the outcomes of the Biodiversity Certification for Wagga Wagga.

The Office of Environment and Heritage (OEH) have been consulted on the proposed zoning configuration and endorse the proposal. OEH support is provided in appendix 1

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The land is identified as Category 1 Bushfire Prone Land and forms part of the salinity recharge catchment of Lloyd. The planning proposal is proposing a reconfiguration of the zoning to facilitate conservation of the Box-Gum Woodland that contributes to managing the groundwater recharge within the catchment. The planning proposal is not proposing any additional development opportunities.

How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will facilitate the conservation of high value environmental assets on the land. The Box-Gum Woodland on the site contributes to the mitigation of water recharge in the catchment.

Appendix 1 – Letter of support – Office of Environment and Heritage



Office of
Environment
& Heritage

Your reference:
Our reference:
Contact:

Tobi Edmonds 6229 7094

Anthony Newland
Newland Planning & Development
143 Mullens Street
ROZELLE
NSW 2039

Dear Mr Newland

Re: OEH comment on draft Planning Proposal, Holbrook Rd, Wagga Wagga

Thankyou for the opportunity to the Office of Environment and Heritage (OEH) regarding this Planning Proposal.

This site has been the subject of on-going discussions for the last three years. OEH's interest in the site is due to:

- The existence on the site of Box-Gum Woodland, and Endangered Ecological Community (EEC) listed under the *Threatened Species Conservation Act 1995* (The TSC Act), which provides habitat for a number of threatened species, including the Squirrel Glider, Superb Parrot, and a number of threatened woodland bird species.
- The sites strategic landscape position, as a critical connection between natural areas to the east towards Willans Hill, and to the west, to the Lloyd Conservation Area.
- The conferral of Biodiversity Certification of the Wagga Wagga LEP. The zoning of the bulk of this site as E2 - Environmental Conservation, was critical in the decision to confer certification of the LEP.

Any Planning Proposal that reduced the site's environmental values, and its contribution to the environmental values of the Wagga Wagga area generally, would have the potential to present a risk to the conferral of certification, as LEP may no longer result in biodiversity outcomes being improved or maintained.

OEH has considered the information provided to us (Attachment One), and supports the Planning Proposal. It will result in the bulk of the Box-Gum Woodland on site being retained in an E2 Zone. The configuration of the E2 zone will maintain connectivity to other E2 zones to the east, west and north. OEH also notes that the Asset Protection Zones are located within the developable zones, consistent with Rural Fire Service Guidelines.

OEH has been advised that the owner of the site is prepared to enter into a Planning Agreement to ensure the long-term legal protection of the E2 zoned land, and OEH considers that this is essential to its support of the Proposal. This Agreement should set out a requirement for the Lloyd Conservation Management Plan (contained within the Lloyd DCP) to be implemented. Ideally, this Agreement would also result in the transfer of the E2 zoned land to Council for addition to its Lloyd Conservation Area.

OEH considers that the draft Planning Proposal, as presented to us, can result in a sound conservation outcome for the site and the Lloyd area generally, and would not place the certification of the Wagga Wagga LEP at risk. OEH would therefore support the Proposal in any consultation required under a s56 gateway determination.

Should you wish to discuss these matters further, please contact Tobi Edmonds on 6229 7092.

Yours sincerely,

M Sheehan 12/4/2013

MARK SHEAHAN

A/Manager Landscape and Aboriginal Heritage Protection (South)
Regional Operations Group

ATTACHMENT ONE – Layout of Planning Proposal as presented to OEH

