

## Planning and Assessment

### Gateway determination report

<b>LGA</b>	Wagga Wagga
<b>PPA</b>	Wagga Wagga City Council
<b>NAME</b>	Planning Proposal to rezone land at Lloyd from R5 to E2, increase the minimum lot size from 2 hectares to 200 hectares and adjust RU1 and E2 zone boundaries (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2019_WAGGA_007_00
<b>LEP TO BE AMENDED</b>	Wagga Wagga LEP 2010
<b>ADDRESS</b>	7306 Holbrook Road, Lloyd
<b>DESCRIPTION</b>	Lot 1 DP 605970
<b>RECEIVED</b>	8 July 2019
<b>FILE NO.</b>	IRF19/5123
<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

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal seeks to rezone land at Lloyd from R5 Large Lot Residential to E2 Environmental Conservation, increase the minimum lot size from 2 hectares to 200 hectares, and adjust RU1 Primary Production and E2 Environmental Conservation Zone boundaries.

### 1.2 Site description

The planning proposal applies to Lot 1 DP 605970, 7307 Holbrook Road, Lloyd (the site). The site is shown in **Figure 1**.



**Figure 1: Aerial photograph of the site**

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

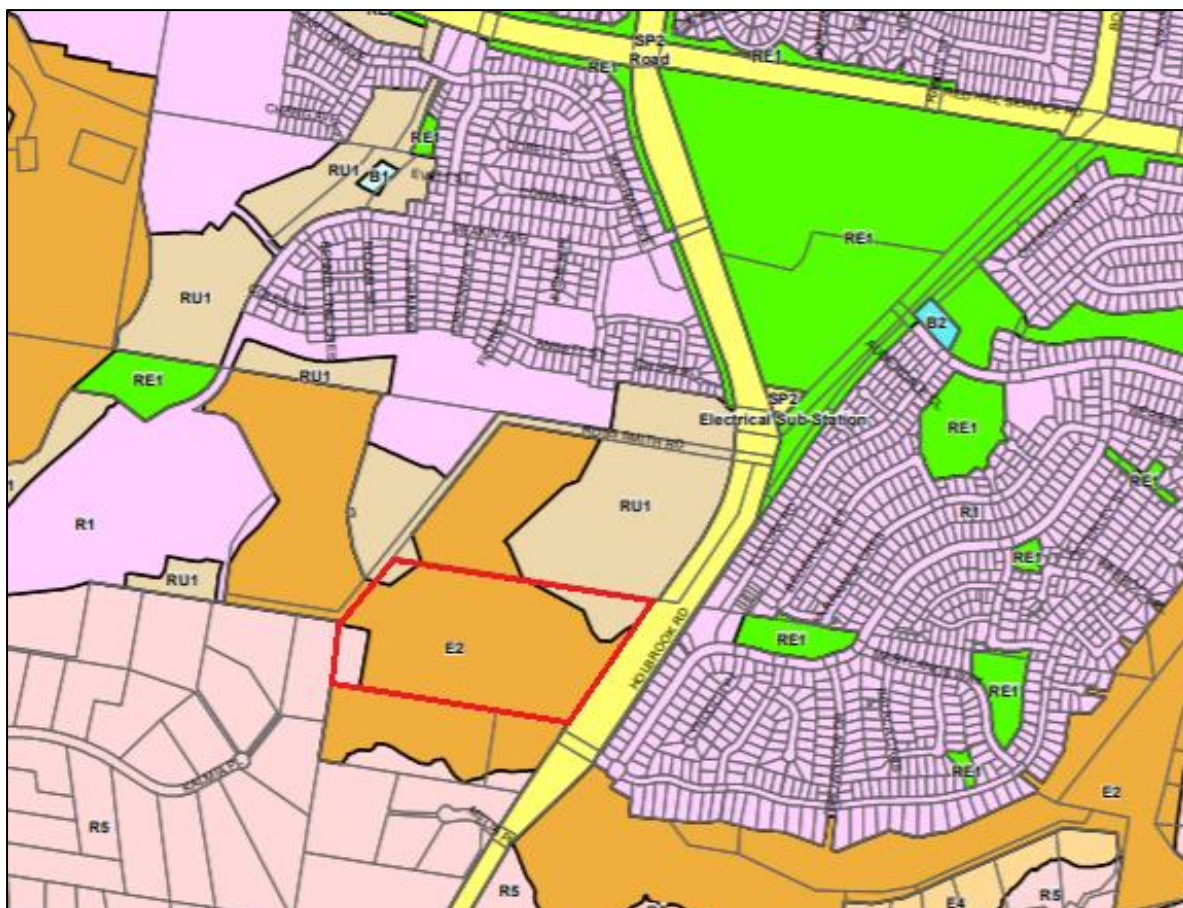
The site has an area of approximately 16.4 hectares. The site is undeveloped and contains scattered areas of Box Gum Woodland. The eastern boundary of the site adjoins Holbrook Road.

### **1.3 Existing planning controls**

The site is zoned part R5 Large Lot Residential, part E2 Environmental Conservation and part RU1 Primary Production. The land zoned R5 has a 2 hectare minimum lot size while the E2 and RU1 zoned land has a 200 hectare minimum lot size.

### **1.4 Surrounding area**

The site is situated south of Wagga Wagga in the suburb of Lloyd. As illustrated in **Figure 2**, the site adjoins other land zoned RU1 and E2. Beyond the immediate surrounds, the area is characterised by a mix of residential and large lot residential land uses.



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

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

### **1.5 Summary of recommendation**

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

- Community consultation is required for a minimum of 28 days.
- Consultation with the following public authorities:
  - Department of Planning, Industry and Environment's Environment, Energy and Science Division (EES); and
  - Rural Fire Service.
- 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 amend zone and lot size boundaries to accurately reflect environmental values and provide a suitable location for the erection of a dwelling on the site.

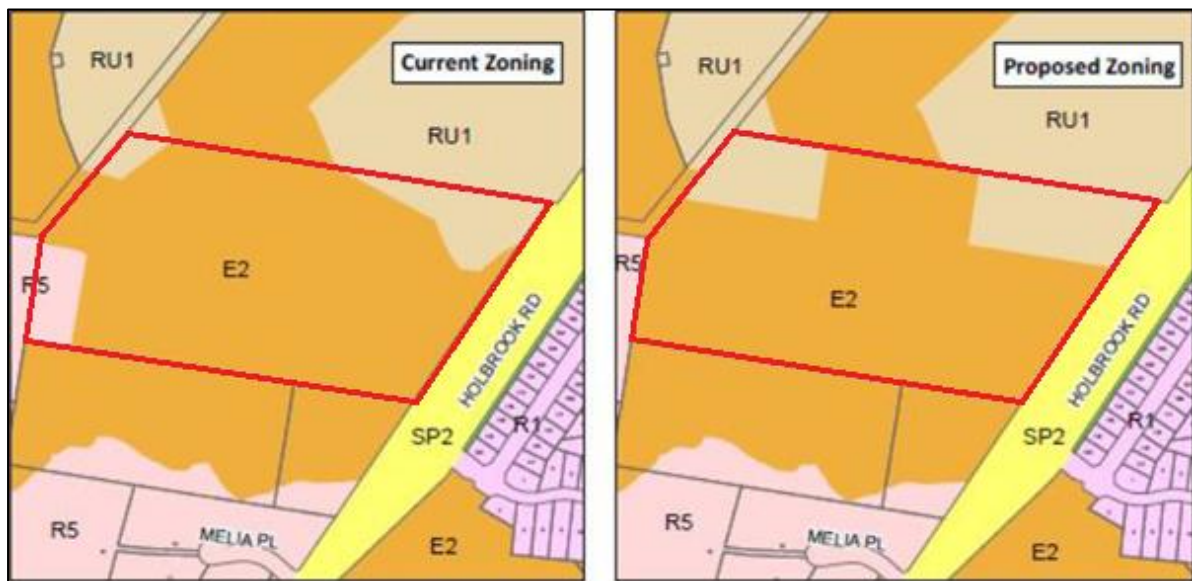


## 2.2 Explanation of provisions

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

- Amend Land Zoning Map LZN\_004D to rezone part of the site from R5 Large Lot Residential to E2 Environmental Conservation;
- Amend Land Zoning Map LZN\_004D to realign the E2 Environmental Conservation and RU1 Primary Production Zone boundaries applying to part of the site; and
- Amend Lot Size Map LSZ\_004D to increase the minimum lot size applying to part of the site from 2 hectares to 200 hectares.

The proposed amendments to the Land Zoning and Lot Size Maps are illustrated in **Figures 3 and 4**.



**Figure 3: Current and proposed Land Zoning Map**

Source: Wagga Wagga City Council



**Figure 4: Current and proposed Lot Size Map**

Source: Wagga Wagga City Council

## **2.3 Mapping**

The planning proposal includes proposed Land Zoning and 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**

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The planning proposal states that the proposed amendments to the Wagga Wagga LEP 2010 will result in most of the Box-Gum Woodland on the site being zoned for environmental purposes. In accordance with the planning proposal, the proposed alignment of the E2 Zone will maintain connectivity to other land zoned E2 to the north, east and west of the site.

The planning proposal notes that the proposed amendments to the Wagga Wagga LEP 2010 have previously been supported by the former Office of Environment and Heritage.

Given the planning proposal seeks to implement an E2 Zone boundary which has previously been supported by the Department of Planning, Industry and Environment's Environment, Energy and Science Division (ESS), it is considered that the planning proposal should proceed to consultation with agencies and the community.

The proposed rezoning of the portion of the site zoned R5 will facilitate a better conservation outcome by providing a buffer between the areas of Box-Gum Woodland and adjoining land zoned R5. The proposed rezoning also prevents land subject to high bushfire risk from been developed for residential purposes.

Although one of the intended outcomes of the planning proposal is to provide a suitable location for the erection of a dwelling on the site, the proposed amendments do not seek to increase opportunities for residential development on the site beyond what is currently permissible under the Wagga Wagga LEP 2010.

The planning proposal is the best means of achieving the intended outcome as it seeks to ensure areas of Box-Gum Woodland are appropriately zoned while also providing a suitable location for the erection of a dwelling on the site.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

There is no applicable state strategic planning framework.

### **4.2 Regional / District**

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 following directions:

- Direction 15: Protect and manage the region's many environmental assets
- Direction 27: Manage rural residential development

The planning proposal is consistent with Direction 15 as it seeks to protect high environmental values by appropriately zoning areas of Box-Gum Woodland.

The planning proposal is also consistent with Direction 16: Increase resilience to natural hazards and climate change. The proposed rezoning of the portion of the site

zoned R5 prevents land subject to high bushfire risk from been developed for residential purposes.

#### **4.3 Local**

The planning proposal states that it is consistent with the Wagga Wagga Spatial Plan 2013/43.

The planning proposal is consistent with the Spatial Plan's goal to 'look after and enhance our natural environment' as it seeks to appropriately zone areas of Box-Gum Woodland.

#### **4.4 Section 9.1 Ministerial Directions**

##### **1.2 Rural Zones**

The planning proposal identifies Direction 1.2 Rural Zones as applicable. The direction is applicable as the planning proposal affects land within an existing and proposed rural zone.

The planning proposal states that it is consistent with the terms of this direction as it does not seek to rezone the site from a rural zone to a residential, business, industrial, village or tourist zone or seek to increase the permissible density the site.

As noted above, the proposed amendments do not seek to increase opportunities for residential development on the site beyond what is currently permissible under the Wagga Wagga LEP 2010.

Accordingly, the planning proposal is consistent with the terms of this direction.

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

##### **1.5 Rural Lands**

The planning proposal identifies Direction 1.5 Rural Lands as applicable. The direction is applicable as the planning proposal affects land within existing and proposed rural and environment protection zones.

The planning proposal states that it is consistent with the terms of this direction as it is consistent with the Regional Plan, allows for the continuation of rural land uses on the portion of the site proposed to be zoned RU1, does not result in the fragmentation of rural land or increase the likelihood of land use conflicts.

The planning proposal also seeks to protect known environmental values by seeking to appropriately zone areas of Box-Gum Woodland.

Accordingly, the planning proposal is consistent with the terms of this direction.

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

##### **2.1 Environment Protection Zones**

The planning proposal identifies Direction 2.1 Environment Protection Zones as applicable. The direction is applicable as the planning proposal affects land within an existing and proposed environment protection zone.

The planning proposal states that it is consistent with the terms of this direction as it facilitates the conservation of Box-Gum Woodland on the site by zoning the land E2.

The planning proposal is consistent the direction as it includes provisions that facilitate the protection and conservation of environmentally sensitive areas.

Although the planning proposal reduces the environmental protection standards applying portions of the site by seeking to realign E2 and RU1 Zone boundaries, the proposed realignment is minor and does not undermine the objective of the direction to protect and conserve environmentally sensitive areas.

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

### 3.1 Residential Zones

The planning proposal does not identify Direction 3.1 Residential Zones as applicable. The direction is applicable as the planning proposal affects land within an existing residential zone.

The planning proposal is inconsistent with the terms of this direction as it will reduce the permissible residential density of the portion of the site zoned R5 by rezoning the land to E2.

The inconsistency with the direction is of minor significance as the portion of the site proposed to be rezoned adjoins an area of Box-Gum Woodland and is identified as bushfire prone. Rezoning this portion of the site to E2 will facilitate a better conservation outcome by providing a buffer between the vegetation and adjoining land zoned R5. The proposed rezoning also prevents land subject to high bushfire risk from been developed for residential purposes.

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

### 4.4 Planning for Bushfire Protection

The planning proposal identifies Direction 4.4 Planning for Bushfire Protection as applicable. The direction is applicable as the planning proposal affects land mapped as bushfire prone.

The planning proposal notes that the proposed amendments do not increase development opportunities on the site as the erection of a dwelling is permitted on the portion of the site zoned RU1 under the Wagga Wagga LEP 2010.

The proposed rezoning of the portion of the site zoned R5 also prevents land subject to high bushfire risk from been developed for residential purposes.

Consultation has not yet occurred with the NSW Rural Fire Service (RFS) and consistency with Direction 4.4 remains unresolved.

**Recommendation:** A Gateway condition has been recommended requiring consultation with the RFS.

### 5.10 Implementation of Regional Plans

The planning proposal identifies Direction 5.10 Implementation of Regional Plans as applicable. The direction is applicable 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 consistent with the Regional Plan. An assessment of the proposal's consistency with the Regional Plan is contained in section 4.2 of this report.

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

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

There is no applicable SEPPs.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social**

The planning proposal is unlikely to have any significant social impacts as the intended outcome is to facilitate improved environmental outcomes on the site.

#### **5.2 Environmental**

As noted above, the planning proposal applies to land containing scattered areas of Box-Gum Woodland. Box-Gum Woodland is listed as an endangered ecological community under the *Biodiversity Conservation Act 2016*. Accordingly, the entire site is identified on the Wagga Wagga LEP 2010 Natural Resources Biodiversity Map.

The planning proposal states that the proposed amendments to the Wagga Wagga LEP 2010 will result in most of the Box-Gum Woodland on the site being zoned for environmental purposes. In accordance with the planning proposal, the proposed alignment of the E2 Zone will maintain connectivity to other land zoned E2 to the north, east and west of the site.

The planning proposal notes that the proposed amendments to the Wagga Wagga LEP 2010 have previously been supported by the former Office of Environment and Heritage (now ESS).

The proposed rezoning of the portion of the site zoned R5 will facilitate a better conservation outcome by providing a buffer between the areas of Box-Gum Woodland and adjoining land zoned R5. The proposed rezoning also prevents land subject to high bushfire risk from been developed for residential purposes.

Although the planning proposal seeks to provide a suitable location for the erection of a dwelling on the site, the proposed amendments do not seek to increase opportunities for residential development on the site beyond what is currently permissible under the Wagga Wagga LEP 2010.

#### **5.3 Economic**

The planning proposal is unlikely to have any significant economic impacts as the intended outcome is to facilitate improved environmental outcomes on the site.

### **6. CONSULTATION**

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#### **6.1 Community**

The planning proposal states that Council policy requires planning proposals be publicly exhibited for at least 28 days.

It is recommended that the Gateway determination require the planning proposal be made available for community consultation for a minimum of 28 days.

#### **6.2 Agencies**

Council has not proposed any consultation with government agencies.

Given the planning proposal applies to land with known environmental values it is recommended that consultation be undertaken with EES.



It is also recommended that the Gateway determination require consultation with the RFS in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection.

## **7. TIME FRAME**

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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**

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Council has requested authorisation to be the local plan-making authority.

As the planning proposal seeks to facilitate a local development outcome, it is recommended that Council be authorised as the local plan-making authority.

## **9. CONCLUSION**

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It is recommended that the planning proposal proceed to consultation with public authorities and the community. The proposed amendments to the Wagga Wagga LEP 2010 seek to ensure areas of Box-Gum Woodland are appropriately zoned while also providing a suitable location for the erection of a dwelling on the site.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 3.1 Residential Zones are minor.
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require consultation with the NSW Rural Fire Service.

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:
  - Department of Planning, Industry and Environment (Environment, Energy and Science).
  - NSW Rural Fire Service.
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.



30/07/2019

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5/8/19

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