

RP-6 DRAFT PLANNING PROPOSAL LEP18/0008 WITH COUNCIL ADDENDUM - REDUCTION TO MINIMUM LOT SIZE CONTROL TO LOTS 35 - 40 DP 1062621 AND LOTS 1 - 4, 6 DP 1127328 ON MANUKA ROAD AND DANDALOO ROAD, LAKE ALBERT

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Analysis: The purpose of this planning proposal is to reduce the minimum lot size for Lots 35 – 40 DP 1062621 and Lots 1 – 4, 6 DP 1127328 from 2 ha to 1.5 ha. This proposal originated from landowners of Lot 35 (John and Angela Kjeldsen). The recommendation is to endorse and proceed with the planning proposal.

Recommendation

That Council:

- a support the planning proposal LEP18/0008 (and addendum prepared by City Strategy) 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 adopt the planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 if no submissions are received
- d receive a further report after the public 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

Proposal: Amendment to the Wagga Wagga Local Environmental Plan 2010 to reduce the minimum lot size provisions applicable to Lot 35 DP 1062621

Land Owners: Lot 35 DP 1062621 – John and Angela Kjeldsen

Referrals: Standard internal referrals

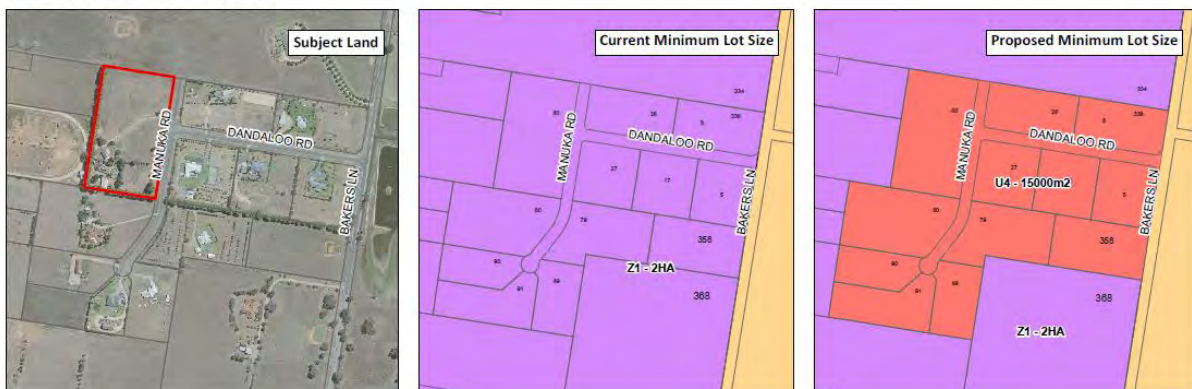
Description of Proposal

This report relates to Planning Proposal LEP18/0008. The planning proposal as originally submitted by John and Angela Kjeldsen seeks to reduce the minimum lot size provisions applicable to Lot 35 DP 1062621 from from 2 hectares to 1.5 hectares as per the illustration below.

Minimum Lot Size Proposal

The current minimum lot size of 2 ha does not allow this lot to be subdivided from its current size of 3.14 ha in order to make efficient and suitable use of the disused portion. The intent to reduce the minimum lot size control to allow for this subdivision to occur at Lot 35 DP 1062621 is supported in principle.

An assessment of the application has concluded that the planning proposal may proceed and that the 1.5 hectare provision also be applied to Lots 35 – 40 DP 1062621 and Lots 1 – 4, 6 DP 1127328 as per the image below consistent with the existing subdivision pattern and lot sizes in Dandaloo Road and Manuka Road.

Minimum Lot Size Proposal

The amended proposal will provide the opportunity to subdivide Lot 35 but will not create an opportunity for the other lots included in the amended proposal to be subdivided. The amended proposal will merely result in a minimum lot size requirement reflective and generally consistent with the existing subdivision pattern in the precinct.

Site and location

The subject land is within the R5 Large Lot Residential Zone. It is bounded to the north, south and west by lands also within the R5 Large Lot Residential Zone. Land to the east is within RU1 Primary Production Zone. The eastern extent of the subject land is located at the present urban limit of Wagga Wagga at this locale. Lands to the immediate north have not been developed to the full extent permitted by current zoning and other planning provisions. Only one title with one dwelling exists on that land at present.

With the exception of Lot 35, the lots along Dandaloo Road and Manuka Road are all between 1.2ha and 2.37ha in size. Lot 35 is the largest lot in this precinct, being 3.13ha in size.

Key issues

The assessment report (attached) has taken into account various considerations relevant to the subject lands. These include:

1. Compatibility of the Planning Proposal with the existing character of the area.

The planning proposal is consistent with the existing character of the area. The area comprising the subject land is characterised by large residential lots maintaining a rural setting. The planning proposal would provide for an additional one lot to be created by subdivision. This would occur at Lot 35 DP 1062621.

Presently Lot 35 DP 1062621 is 3.14ha in size. This is approximately 25% larger than the next largest lot size within the Dandaloo and Manuka Road precinct and approximately double the average size of 1.55ha of all other lots in this precinct. This is not reflective of the pattern of subdivision and development within the precinct. The subdivision of Lot 35 DP 1062621 would produce two lots of a size comparable to this average dimension. This makes efficient use of urban lands in the provision of housing while the new lot remains representative of the existing neighbourhood character and development pattern.

The prepared addendum to the planning proposal applies the minimum lot size of 1.5ha to the entirety of the Dandaloo and Manuka Road precinct. This better clarifies the intent of the planning proposal. As a result, it will be clear within LEP mapping that the Dandaloo and Manuka Road precinct comprises a discrete residential precinct with a consistent pattern of development provided for. The planning proposal seeks to make efficient use of these lands whilst retaining the existing character in this area. Extending the bounds of the planning proposal to the entirety of the Dandaloo and Manuka Road precinct will not create an opportunity for subdivision of new lots other than at Lot 35 DP 1062621.

2. The compatibility of potential development outcomes with the continuing R5 Large Lot Residential Zone objectives.

The planning proposal will change the minimum lot size control applicable to the subject lands only. There will be no substantial change to the landscape setting and scenic qualities to result. No environmentally sensitive locations are existing within the subject lands or nearby to be affected by the development of lands made possible by the planning proposal. The planning proposal upholds the objective to provide residential housing in a rural setting while preserving environmentally sensitive locations and scenic qualities.

The planning proposal does not allow for substantial change in the subdivision pattern of the area. Only one additional lot is able to be created within the subject lands. No significant impediment to the ability to subdivide the subject lands into smaller parcels in future will result.

Conclusion

This assessment has found the planning proposal to be broadly sound, subject to a Council-initiated addendum. The planning proposal will raise the utility of the subject lands in a manner that is responsive to site-specific circumstances and provides consistency with existing strategy. There is sufficient strategic justification to proceed with the planning proposal.

The proposal is supported for the following reasons:

- The planning proposal provides potential for development maximising the available utility of the subject lands, is sympathetic to the surrounding locality and compatible with the land use zoning.
- The planning proposal has achieved an acceptable level of compliance with strategic content as assessed in this report.
- The planning proposal is justified against the requirements of relevant S9.1 Ministerial Directions.
- The investigation of the subject land provided with the application is sufficient to support the planning proposal and forward to the Department of Planning and Environment seeking Gateway Determination.

To comply with the NSW Department of Planning and Environment guidelines and to support the planning proposal, council staff will prepare a proposed timeline as an addendum to the proposal prior to submitting for Gateway Determination.

Financial Implications

In accordance with Council's 2018/19 Fees and Charges, a Minor LEP Amendment (minor complexity) attracts a total application fee of \$7,500. 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.

Policy and Legislation

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

Link to Strategic Plan

The Environment

Objective: We plan for the growth of the city

Outcome: We have sustainable urban development

Risk Management Issues for Council

An approval of the proposal may be subject to public scrutiny during the public consultation process and may put additional pressure on Council to consider the reduction of the minimum lot size requirements 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

Formal public consultation with land owners, the general public and referral agencies will occur after the Gateway Determination. Pre-consultation with owners of lands directly affected by Council's addendum to the planning proposal has occurred between 26/09/2018 and 26/10/2018. No submissions were received.

Attachments

- 1 [!\[\]\(86b7331e04fe40a56bcff2e9c065738b_img.jpg\)](#). LEP18/0008 - Planning proposal as submitted by John and Angela Kjeldson
- 2 [!\[\]\(92f87f30b7499b35d0173f4346c498d6_img.jpg\)](#). LEP18/0008 - City Strategy Assessment
- 3 [!\[\]\(497b6684f704c0aa6fbea9f0fd4d56c7_img.jpg\)](#). LEP18/0008 - Addendum to Planning Proposal, prepared by City Strategy