

Planning Services

545032

Gateway determination report

LGA	Wagga Wagga
PPA	Wagga Wagga City Council
NAME	Planning Proposal to amend the minimum lot size applying to land in Lake Albert from 2 hectares to 1.5 hectares. (1 home, 0 jobs)
NUMBER	PP 2018 WAGGA 003 00
LEP TO BE AMENDED	Wagga Wagga LEP 2010
ADDRESS	Dandaloo Road and Manuka Road, Lake Albert
DESCRIPTION	Lots 35 – 40 DP 1062621 Lots 1 – 4 & 6 DP 1127328
RECEIVED	10 December 2018
FILE NO.	IRF19/7
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	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 reduce the minimum lot size applying to land in Lake Albert from 2 hectares to 1.5 hectares.

Site description

The planning proposal applies to Lots 35 – 40 DP 1062621 and Lots 1 – 4 & 6 DP 1127328. The 11 lots to which the planning proposal applies are shown in **Figure 1**.



Figure 1: Aerial photograph of the subject area

Source: maps.six.nsw.gov.au

The subject area comprises rural residential land uses, with existing dwellings situated on each lot. Apart from Lot 35 DP 1062621 (Lot 35), which has an area of 3.14 hectares, the lots range in size from 1.2 to 2.37 hectares. Lot 35 is situated in the north western corner of the subject area.

Existing planning controls

The subject area is zoned R5 Large Lot Residential under the Wagga Wagga LEP 2010 with a minimum lot size of 2 hectares (**Figure 2**).

Surrounding area

As indicated in **Figure 2**, the area surrounding the subject land is zoned R5 Large Lot Residential with a minimum lot size of 2 hectares to the north and west. The subject area is situated at the urban/ rural interface of the city of Wagga Wagga with land to the east zoned RU1 Primary Production.

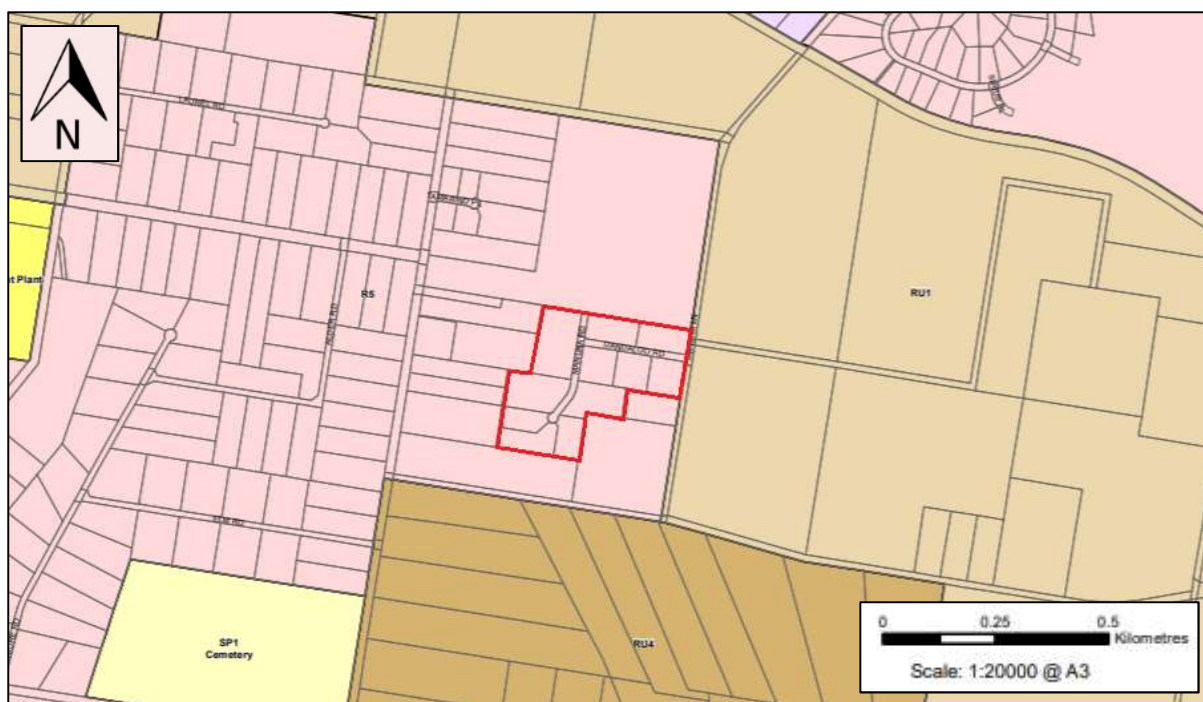


Figure 2: Land Zoning Map LZN_004F

Source: legislation.nsw.gov.au

The prevailing character of the area west of the subject area is rural residential and rural to the east. The subject area adjoins a large lot to the north which has not yet been developed to the extent permitted by the zoning and lot size. An aerial photograph of the surrounding area is shown in **Figure 3**.



Figure 3: Aerial photograph of the surrounding area

Source: 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 indicative Lot Size Map is to be amended prior to community consultation to remove Lot 5 DP 1127328;
- Community consultation is required for a minimum of 14 days; and
- The timeframe for completing the LEP is to be 6 months;

PROPOSAL

Objectives or intended outcomes

The intended outcome of the planning proposal is to facilitate the subdivision of Lot 35 by reducing the applicable minimum lot size from 2 hectares to 1.5 hectares. The planning proposal also seeks to apply a 1.5 hectare minimum lot size to the remaining lots situated along Dandaloo and Manuka Roads to reflect the existing subdivision pattern of the precinct.

Explanation of provisions

The planning proposal seeks to amend Lot Size Map LSZ_004F to reduce the minimum lot size applying to Lots 35 – 40 DP 1062621 and Lots 1 – 4 & 6 DP 1127328 from 2 hectares to 1.5 hectares. The proposed amendment to the Lot Size Map is shown in **Figure 4**.



Figure 4: Current and proposed Lot Size Map LSZ_004F

Source: Wagga Wagga City Council

Mapping

The planning proposal seeks to amend Lot Size Map LSZ_004F. The planning proposal has been submitted with an addendum which includes an indicative Lot Size Map. This map is considered suitable for community consultation subject to the removal of Lot 5 DP 1127328 which Council has confirmed is not intended to be included in the planning proposal.

NEED FOR THE PLANNING PROPOSAL

The planning proposal submitted to Council by the proponent applies to Lot 35 only. Council has subsequently resolved to adopt a precinct-based approach to the

planning proposal and seek to reduce the minimum lot size applying to the entire Dandaloo and Manuka Road precinct from 2 hectares to 1.5 hectares. Council has prepared an addendum to the planning proposal in accordance with this approach.

The planning proposal states that reducing the minimum lot size to 1.5 hectares will enable Lot 35 to be subdivided in a manner consistent with the existing subdivision pattern of the Dandaloo and Manuka Road precinct. As noted above, the lots in this precinct range in size from 1.2 to 2.37 hectares.

The application of the proposed 1.5 hectare minimum lot size to the entire Dandaloo and Manuka Road precinct will not result in further subdivision of Lots 36 – 40 DP 1062621 and Lots 1 – 4 & 6 DP 1127328. The intended outcome of this approach is purely to ensure the minimum lot size reflects the existing subdivision pattern and desired character of the precinct.

The intended outcome of the planning proposal is reasonable noting the existing subdivision pattern within the Dandaloo and Manuka Road precinct which, Council has advised, has an average lot size of 1.55 hectares. Facilitating the creation of one additional lot in this precinct is in accordance with the surrounding land use pattern and therefore, is unlikely to result in land use conflict with adjoining properties.

The planning proposal is considered the best means of achieving the intended outcome as it facilitates a planning outcome which is in accordance with the character of the area and recognises the existing subdivision pattern of the precinct.

STRATEGIC ASSESSMENT

State

There is no state strategic planning framework applicable to the planning proposal.

Regional / District

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

- Direction 22: Promote the growth of regional cities and local centres;
- Direction 25: Build housing capacity to meet demand; and
- Direction 27: Manage rural residential development.

Direction 27 is considered relevant to determining the strategic merit of the planning proposal. The intended outcome of facilitating the creation of one additional rural residential lot in the Dandaloo and Manuka Road precinct is not inconsistent with the Direction.

The subject area is characterised by rural residential land uses with access to existing infrastructure and services. The creation of one additional lot within the Dandaloo and Manuka Road precinct is unlikely to result in land use conflict with adjoining properties given it will be consistent with the surrounding land use and subdivision pattern. In addition, the land on which the additional lot will be created is not affected by environmental values, cultural or heritage significance or natural hazards.

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 appropriate minimum lot sizes.

The planning proposal states that it aligns with the Spatial Plan by supporting the growth of Wagga Wagga and providing greater housing choice.

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. Ultimately the Activation Strategy will replace the Spatial Plan.

Although the proposed amendment is not a direct result of a strategy identifying appropriate minimum lot sizes for the wider area as recommended in the Spatial Plan, Council considers that the planning proposal provides sufficient justification for the proposed reduced minimum lot size for the subject lands.

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

Section 9.1 Ministerial Directions

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.

The planning proposal facilitates the intended outcome of creating one additional rural residential lot without consuming greenfield land on the urban fringe. Facilitating the creation of one additional lot within the Dandaloo and Manuka Road precinct makes more efficient use of existing infrastructure and services by accommodating development within an established rural 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.

4.3 Flood Prone Land

The planning proposal identifies Direction 4.3 Flood Prone Land as applicable, however the Direction does not apply as the subject area is not identified as flood prone land.

4.4 Planning for Bushfire Protection

The planning proposal identifies Direction 4.4 Planning for Bushfire Protection as applicable, however the Direction does not apply as the subject area is not identified as bushfire prone land.

5.10 Implementation of Regional Plans

The planning proposal does not identify Direction 5.10 Implementation of Regional Plans as applicable, however the Direction 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. A full 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)

There are no SEPPs applicable to the planning proposal.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal is unlikely to increase the potential for land use conflicts with surrounding land uses as the land on which the additional lot will be created is within an established rural residential area. The proposal is likely to provide positive social benefits in facilitating an additional housing lot in the area and protecting the desired character of the Dandaloo and Manuka Road precinct as a rural residential lifestyle area.

Environmental

The north eastern portion of the subject area is identified on Natural Resources Sensitivity – Water Map NRW_004. However, the planning proposal will not result in additional subdivision opportunities for the lots in this portion of the Dandaloo and Manuka Road precinct.

The land on which the additional lot will be created is not affected by important environmental values, cultural or heritage significance or natural hazards.

Economic

The proposal is not considered to have any adverse economic impacts. The Dandaloo and Manuka Road precinct is an established rural residential area with access to essential infrastructure and services including reticulated water and sewerage systems.

CONSULTATION

Community

Council has undertaken preliminary consultation with the landowners directly affected by the planning proposal. No submissions were received from the affected landowners following consultation.

The planning proposal is considered to be low impact given the intended outcome is consistent with the surrounding land use and subdivision pattern and is consistent with the strategic planning framework. Accordingly, it is recommended that the planning proposal be made available for community consultation for a minimum of 14 days.

Agencies

Council has not proposed any consultation with government agencies. Given the subject area is not affected by important environmental values, cultural or heritage significance or natural hazards and the intended outcome is to facilitate the creation

of only one additional rural residential lot, consultation with government agencies is not considered necessary.

TIME FRAME

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 6 months as the planning proposal is considered low impact and no government agency consultation is required.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan making authority under section 3.36 of the Environmental Planning and Assessment Act 1979.

Due to the local/low impact nature of planning proposal, it is recommended that Council's request is supported.

CONCLUSION

The planning proposal is supported to proceed subject to conditions requiring that the planning proposal be updated prior to community consultation.

The proposal will facilitate one additional housing lot in the Dandaloo and Manuka Road precinct and establish a minimum lot size that reflects the current subdivision pattern and desired character of the precinct.

RECOMMENDATION

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 14 days.
2. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.
4. The planning proposal is to be updated prior to community consultation to incorporate the addendum prepared by Council.
5. The indicative Lot Size Map is to be amended prior to community consultation to remove Lot 5 DP 1127328.



11/01/2019

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