

Planning Services

Gateway Determination Report

LGA	City of Wagga Wagga
RPA	City of Wagga Wagga
NAME	Rezone a portion of land at 6 Belmore Place, Tatton from R5 Large Lot Residential to R1 General Residential and to remove minimum lot size provisions; and R1 General Residential to R5 Large Lot Residential with a 0.2 hectare minimum lot size provision (6 Dwellings).
NUMBER	PP_2017_WAGGA_002_00
LEP TO BE AMENDED	Wagga Wagga Local Environmental Plan 2010
ADDRESS	6 Belmore Place, Tatton
DESCRIPTION	Lot 334 DP 1222593
RECEIVED	7 December 2017
FILE NO.	EF17/13973
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 amend the zoning and minimum lot size provisions contained in the Wagga Wagga Local Environmental Plan 2010 as they apply to Lot 334 DP 1222593, 6 Belmore Place, Tatton by:

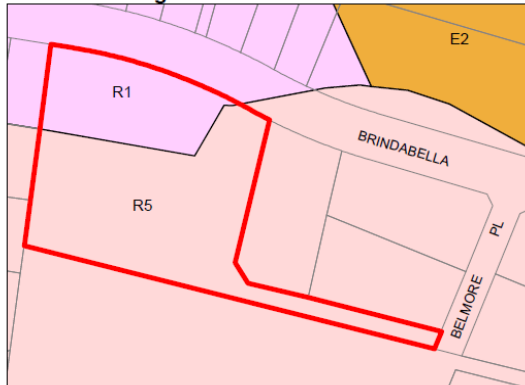
- Rezoning a small portion of the lot from R5 Large Lot Residential to R1 General Residential.
- Rezoning a small portion of the lot from R1 General Residential to R5 Large Lot Residential.
- Amending the minimum lot size map to remove the 0.2 hectare minimum lot size from the portion of the site proposed to be zoned R1 General Residential and applying a 0.2 hectare minimum lot size to the portion of the site proposed to be zoned R5 Large Lot Residential.

The planning proposal will realign existing zone boundaries to facilitate the subdivision of approximately 6 new lots on the resulting R1 zoned land, reflecting the subdivision pattern of adjoining R1 zoned land.

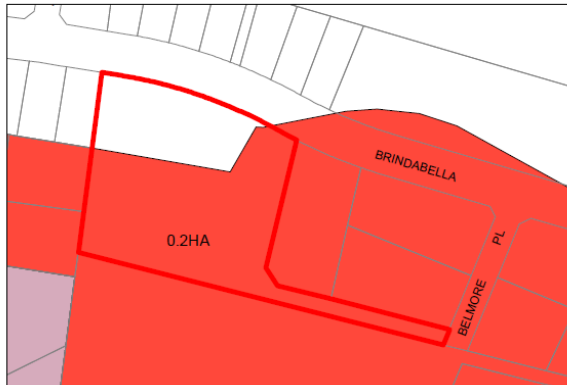
The below figure reflects the above changes.

Current and Proposed Zoning and Minimum Lot Size Maps

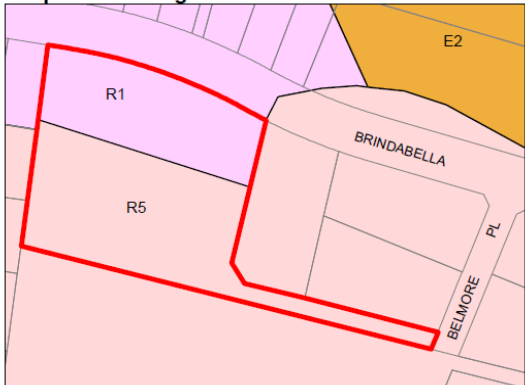
Current Zoning



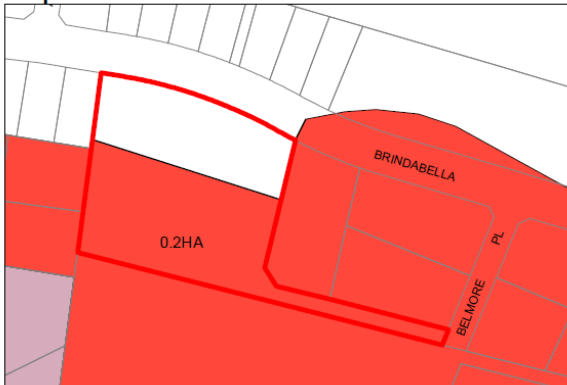
Current Minimum Lot Size



Proposed Zoning



Proposed Minimum Lot Size



Source: City of Wagga Wagga Council

Site Description

The planning proposal relates to land described as Lot 334 DP 1222593, 6 Belmore Place, Tatton. The subject lot has a total area of 1.256ha and contains an existing dwelling and outbuildings. The allotment is a battle-axe with access being gained via Belmore Place to the east. The northern boundary fronts Brindabella Drive. As identified in the aerial map below. As evident in the proposed zoning maps above the lot contains a split zone being R1 General Residential and R5 Large Lot Residential zones.

Aerial Map

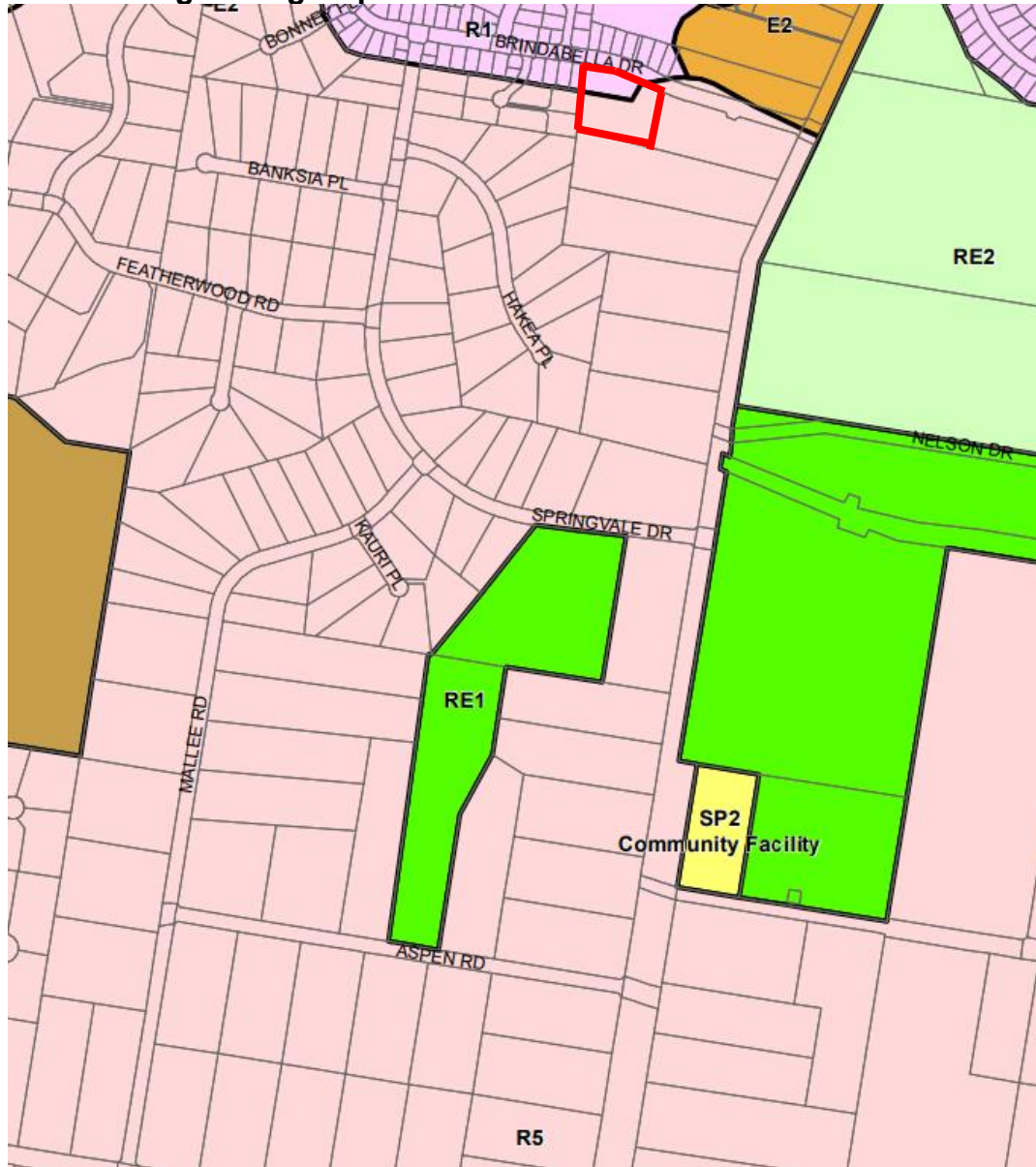


Source: City of Wagga Wagga Council

Surrounding Area

The site is located 5.8 kilometres to the south of the Wagga Wagga CBD in the suburb of Tatton. The site is surrounded by land zoned R1 General Residential to the north and R5 Large Lot Residential to the south. The development pattern of the surrounding area is comprised predominantly of single detached dwellings. Adjacent to the site is an area zoned E2 Environmental Conservation, as demonstrated in the surrounding zoning image below.

Surrounding Zoning Map



Source: Wagga Wagga Local Environmental Plan 2010

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.
- A public hearing is not required to be held into the matter.
- The timeframe for completing the LEP is to be 12 months.

PROPOSAL

Objectives or Intended Outcomes

The objective of the planning proposal is to amend the Wagga Wagga Local Environmental Plan 2010 to realign existing zone boundaries as they apply to Lot 334 DP 1222593, 6 Belmore Place, Tatton to facilitate the subdivision of approximately 6 new lots on the resulting R1 zoned land.

The intended outcome of the planning proposal has been clearly explained.

Explanation of Provisions

The amended planning proposal will:

1. Amend the Wagga Wagga LEP 2010 zoning map LZN_004E to change the zoning of part of Lot 334 DP 1222593, 6 Belmore Place Tatton from R5 Large Lot Residential zone to R1 General Residential zone;
2. Amend the Wagga Wagga LEP 2010 zoning map LZN_004E to change the zoning of part of Lot 334 DP 1222593, 6 Belmore Place Tatton from R1 General Residential zone to R5 Large Lot Residential zone and
3. Amend the Wagga Wagga LEP 2010 minimum lot size map LSZ_004E with zero lot size provision applying to land proposed to be rezoned R1 General Residential and 0.2 hectare lot size provisions applying to land proposed to be rezoned to R5 Large Lot Residential.

Mapping

The mapping within the planning proposal has been reviewed and is considered adequate for public exhibition. However, final maps consistent with the Department's Technical Guidelines will need to be prepared prior to finalising the LEP.

NEED FOR THE PLANNING PROPOSAL

The planning proposal states:

“The Planning Proposal is not a result of a specific strategic study or report. Instead the Planning Proposal arises from the opportunity to more appropriately define residential zone boundaries in the Brindabella Drive area now that residential estate development has progressed. The existing character of the R5 zone area to the east and south of the land is not impacted as the single future R1 zone lot of approximately 740 square metres would front Brindabella Drive.

The practical effect of the Planning Proposal is that one additional residential lot would be created with frontage to Brindabella Drive as a lot size of approximately 740 square metres, which is consistent with adjoining residential subdivision lot pattern and character along Brindabella Drive”; and

*“The rezoning of the land from R5 Large Lot Residential to R1 General Residential Zone and removing the minimum subdivision lot size of 2,000 square metres as detailed in **Table 1: Summary of LEP amendments** is considered the best means of achieving the relevant objectives or intended outcomes mentioned in **Section 2.0: Objectives or intended outcomes.**”*

Comment: This view is supported, as the planning proposal aims to rezone part of Lot 334 DP 1222593, 6 Belmore Place, Tatton, to facilitate the subdivision of approximately 6 new lots on the resulting R1 zoned land, reflecting the subdivision pattern of adjoining R1 zoned land along the extent of Brindabella Drive.

A planning proposal to rezone the identified site and change the minimum lot sizes is the best means to achieve the desired outcome.

STRATEGIC ASSESSMENT

Riverina-Murray Regional Plan 2036

The planning proposal is consistent the Riverina-Murray Regional Plan 2036 as the planning proposal has demonstrated its consistency with **Goal 4: Strong, connected and healthy communities** and the following Directions.

- Direction 22: Promote the growth of regional cities and local centres
- Direction 23: Build resilience in towns and villages
- Direction 25: Build housing capacity to meet demand
- Direction 26: Provide greater housing choice

Comment: The Planning proposal provides for an infill residential subdivision development opportunity, within a recognised regional city. The planning proposal contributes to the provision of housing choice within Wagga Wagga, in an already established residential area.

Local

The planning proposal is consistent with Wagga Wagga Spatial Plan 2013-2043, specifically;

- Goal – We plan for resilient and sustainable built environments
 - o Objective – Accommodating population growth through adequate supplies of well planned residential land, providing a variety of housing options to achieve housing choice and affordability.

Comment: The Planning proposal provides for an infill residential subdivision development opportunity within Wagga Wagga, consistent with an established residential area.

Section 117(2) Ministerial Directions

2.1 Environment Protection Zones

Section 117 Direction 2.1 Environment Protection Zones applies to the site as this direction must be considered when a relevant planning authority prepares a planning proposal.

The planning proposal states: *Consistent: The Land is not known to contain any environmentally sensitive areas and the Planning Proposal does not derogate the objective of this Direction.*

Comment: This view is supported. The planning proposal relates to land that is already cleared and zoned for residential purposes under the Wagga Wagga LEP 2010. The subject site does not contain any known environmentally sensitive areas.

2.3 Heritage Conservation

Section 117 Direction 2.3 Heritage Conservation applies to the site as this direction must be considered when a relevant planning authority prepares a planning proposal.

The planning proposal states: Consistent: *The Land is not known to contain any items or places of Aboriginal or European cultural heritage significance and the Planning Proposal does not derogate the objective of this Direction.*

Comment: This view is supported. The planning proposal relates to a site that currently contains a substantial residential dwelling and that is surrounded by an existing residential estate. The site is not identified as containing an item of Environmental Heritage under Schedule 5 of the Wagga Wagga Local Environmental Plan 2010, including the proposed amendments to that schedule which were issued a Gateway determination on 29 August 2017.

2.4 Recreation Vehicle Areas

Section 117 Direction 2.4 Recreation Vehicle Areas applies to the site as this direction must be considered when a relevant planning authority prepares a planning proposal.

The planning proposal states: Consistent: *No recreation vehicle areas are proposed.*

Comment: As no recreation vehicle areas are proposed the planning proposal can be considered to be consistent with the Direction.

3.1 Residential Zones

Section 117 Direction 3.1 Residential Zones applies to the site as this direction must be considered when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary).

The planning proposal states: Consistent: *The Planning Proposal provides for an infill residential subdivision development opportunity (one additional residential lot of approximately 740 square metres in area) and any future development of the land would need to be consistent with the 'objectives of the R1 General Residential Zone:*

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure co-ordinated and cost-effective provision of physical, social and cultural infrastructure in new residential areas.*

Given the area of the Land it is anticipated that Land would be developed with one (1) dwelling house.

Comment: The planning proposal is consistent with this Direction as;

- The increased lot yield facilitated by the proposed rezoning to R1 General Residential provides an effective use of the land and allows a broad type of building choice for the site.
- The site has access to existing services and infrastructure. Demand on services and infrastructure created by the any future development facilitated

by the proposed rezoning will be captured by local infrastructure contributions requirements.

- The site is not located on the urban fringe. The planning proposal provides an opportunity for infill development.
- Provides an ability to provide good subdivision design consistent with the surrounding residential area.
- The planning proposal does not reduce the permissible residential density of the land, rather it realigns zone boundaries to allow a more effective use.

3.2 Caravan Parks and Manufactured Home Estates

Section 117 Direction 3.2 Caravan Parks and Manufactured Home Estates applies to the site as this direction must be considered when a relevant planning authority prepares a planning proposal.

The planning proposal states: *Consistent: The Land does not contain any existing caravan parks or manufactured home estates and the Planning Proposal does not derogate the objective of this Direction.*

Comment: This view is supported as no existing caravan parks are located on the site.

3.3 Home Occupations

Section 117 Direction 3.3 Home Occupations applies to the site as this direction must be considered when a relevant planning authority prepares a planning proposal.

The planning proposal states: *Consistent: The LEP already allows “home occupation” in the R1 General Residential Zone without the need for development consent.*

Comment: This statement is supported. “Home Occupation” is permissible without consent in the R1 General Residential Zone.

3.4 Integrating Land Use and Transport

Section 117 Direction 3.4 Integrating Land Use and Transport applies as the planning proposal will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The planning proposal states: *Consistent: The Land has access to the local road network, with Brindabella Drive being a ‘local road’ under control of Wagga Wagga City Council.*

Comment: This view is supported. The site has access to the existing local road network.

5.10 Implementation of Regional Plans

Section 117 Direction 5.10 Implementation of Regional Plans applies as this direction must be considered when a relevant planning authority prepares a planning proposal.

The planning proposal states: *Consistent: The Planning Proposal is consistent with the Riverina Murray Regional Plan 2036 as set out in Appendix C: Applicable goals and directions of the Riverina Murray Regional Plan 2036.*

Comment: As abovementioned, it is agreed that the planning proposal is consistent with the Riverina Murray Regional Plan 2036 and therefore Direction 5.10.

6.1 Approval and Referral Requirements

Section 117 Direction 6.1 Approval and Referral Requirements applies as this direction must be considered when a relevant planning authority prepares a planning proposal.

The planning proposal states: *Consistent: The Planning Proposal only proposes Land Zoning and Minimum Lot Size mapping changes.*

Comment: The planning proposal is of a minor significance and does not require and separate approvals or referrals.

6.3 Site Specific Provisions

Section 117 Direction 6.3 Site Specific Provisions has been identified as being applicable to the planning proposal. However, the Direction does not apply as the planning proposal will not allow a particular development to be carried out.

State Environmental Planning Policies

The planning proposal has identified SEPP No. 55 - Remediation of Land as being applicable. The planning proposal has demonstrated its consistency with SEPP 55 as the planning proposal does not derogate the aims of the SEPP, it is not located in an area identified as an 'investigation area' or located on a site that contained a previous use likely to cause contamination.

SITE SPECIFIC ASSESSMENT

Environmental, Social and Economic Impact

The planning proposal does not present any significant environmental, social or economical impacts.

The planning proposal intends to rezone R5 Large Lot Residential land to R1 General Residential and small portion of land from R1 General Residential Land to R5 Large Lot Residential Land. The proposed rezoning and the changes to the minimum lot sizes presents an urban infill opportunity and no significant impacts on the environmental, social or economic welfare of the area.

It is considered that the public consultation period of 28 days is an appropriate timeframe to address any potential social impacts that arise.

CONSULTATION

Community

Council has advised that the planning proposal is to be publicly exhibited for 28 days. Notification of the planning proposal will be undertaken by the following means:

- a notice in the local newspaper(s);
- placement of the planning proposal in Council's customer service areas;
- posting on Council's website; and
- written notification to landowners adjacent to identified sites.

Agencies

Council has not proposed any consultation with any agencies.

TIMEFRAME

Council has prepared a six month project timeframe to complete the rezoning process.

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Given the nature of the planning proposal a twelve month timeframe is considered to be appropriate.

DELEGATION

Council has requested Council Officer Delegation to make the draft LEP under Section 59 of the Act. Appendix 4 – Evaluation Criteria for the Delegation of Plan Making Functions was submitted.

Due to the minor nature of the planning proposal, it is considered appropriate that delegations are given to Council.

CONCLUSION

- Preparation of the planning proposal is supported to proceed with conditions.
- The planning proposal addresses the Department's 'A guide to preparing planning proposals'.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree that the planning proposal is consistent with Section 117 Directions 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 2.4 Recreation Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 5.10 Implementation of Regional Plans, 6.1 Approval and Referral Requirements and 6.3 Site Specific Provisions

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

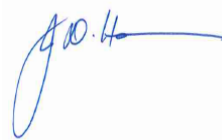
1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
3. No consultation is required with public authorities/organisations under section 56(2)(d) of the Act.



22/1/18

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22/01/2018

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