

**RP-4 PROPOSED AMENDMENT TO THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 TO REDUCE THE MINIMUM LOT SIZE PROVISIONS APPLICABLE TO 6 VINCENT ROAD AND 531 KOORIGAL ROAD, LAKE ALBERT**

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**Summary:** Council is in receipt of a planning proposal to reduce the minimum lot size provisions applicable to three properties on the corner of Vincent Road and Koorigal Road, Lake Albert. The recommendation is to proceed with the planning proposal.

**Recommendation**

That Council:

- a support planning proposal LEP18/0014 and addendum prepared 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 receive a further report if submissions are received during the 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**

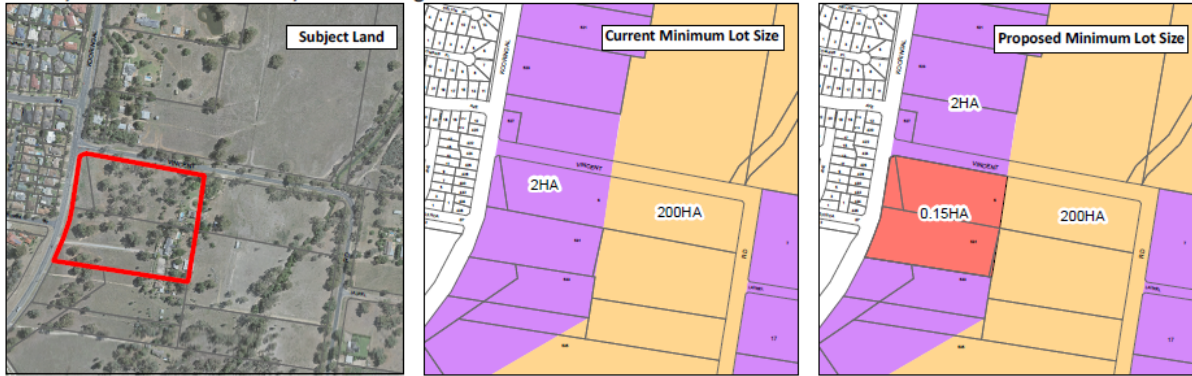
**Submitted Proposal:** Planning proposal to reduce the minimum lot size provisions applicable to Part of Lot 1 DP 219692 & Lot 1 DP 65324, located at 6 Vincent Road and Lot 2 DP 1009360 at 531 Koorigal Road, Lake Albert

**Land Owners and applicants:** Lot 1 DP 219692 & Lot 1 DP 653241 – Barry and Lorraine McClean  
 Lot 2 DP 1009360 – Robert and Dianne Chambers

**DESCRIPTION OF PROPOSAL**

The proposal is to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to reduce the minimum lot size provisions applicable to Part of Lot 1 DP 219692 & Lot 1 DP 65324, located at 6 Vincent Road and Lot 2 DP 1009360, located 531 Koorigal Road, Lake Albert from 2 hectares to 0.15 hectares as per the illustration below.

LEP18/0014 - 6 Vincent Road / 531 Koorungal Road - Minimum Lot Size



The total area of the land identified in the planning proposal is 4.6ha and the proposed amendment to the minimum lot size requirement will increase the lot yield from 2 lots to approximately 24 lots (20% is set aside for road infrastructure etc.) However due to the existing tree canopy on the site, the final subdivision is expected to result in no more than 10 additional lots.

The submitted planning proposal is provided under Attachment 1.

## SITE AND LOCALITY

The subject site is located in a rural residential area (R5 Large Lot Residential Zone) within Lake Albert. Surrounding land comprises of R1 General Residential, RE1 Public Recreation zoned land to the east, R5 Large Lot Residential zoned land to the north and south and RU1 Primary Production zoned land to the east. Lot sizes in the vicinity are on average 700sqm in the R1 Zone, 2ha in the R5 Zone and between 2ha and 34ha in the RU1 Zone.

## KEY CONSIDERATIONS

### 1. Population growth and housing demand

The addition of dwellings to the housing stock is a major driver of population growth in the city, providing opportunities for households to relocate from other areas or new households to form locally. At a growth rate of 1.2% the population of Wagga Wagga will exceed 80,000 people in 2040, however the city must plan to grow to beyond 100,000 people. To accommodate a 2% population growth to 100,000 people and an additional 14,000 homes by 2040, 1,750 hectares of land is required if density rates continue at 8 dwellings per hectare.

The supply of residential land was last considered in 2013 as part of the Wagga Wagga Spatial Plan 2013-2043 that identified there was approximately 426 hectares of urban release area. At a density pattern of 8 dwellings per hectare this equates to an additional 3,500 dwellings. From this, current greenfield areas can accommodate 10 years supply of housing at the projected growth rate and 5 years supply at the aspirational growth rate of 2%.

Whilst the majority of housing will be provided within urban release areas, infill development through redevelopment and intensification (as proposed by the planning proposal) will also play a vital role in utilising existing services to accommodate the growing population of the city. It will also contribute to the mix of housing types available in the city.

## 2. Land use strategies underway and interim arrangements

Council officers are currently in the process of reviewing and developing new land use strategies for the city. One of the key priorities is to consider the location of future growth areas and to identify areas in the city that may be intensified through subdivision.

Noting that it will take some time to complete the above strategic work, landowners may as an interim arrangement lodge planning proposals to increase the development opportunities for their properties prior to the finalisation of the strategic work. Planning proposals will be considered on merit and the onus is on the proponents to provide Council with the necessary information to undertake assessments to determine if there is sufficient justification for a planning proposal to proceed, prior to the completion of the above strategic work.

## 3. Consistency with strategic directions

Even though the planning proposal is not supported by a local housing strategy endorsed by the Department of Planning and Environment, the Wagga Wagga Spatial Plan 2013/2043 that is endorsed by the Department of Planning and Environment identifies several approaches to addressing land demand for urban purposes in the city. This Plan encourages additional housing opportunities within existing urban areas where existing services and amenities are already provided. The proposal to rezone the land is based on site opportunities to optimize the use of available land that is currently serviced by public infrastructure and accessible to existing local community facilities, and is therefore considered generally consistent with the provisions of the Spatial Plan.

The proposal is also consistent with the recommendations of the Riverina Murray Regional Plan 2036, the draft Activation Strategy, Section 9.1 Ministerial Directions as well as all relevant State Environmental Planning Policies.

## 4. Justification for a reduced minimum lot size provision

The proponent provided the following justification for the proposed reduction in of minimum lot size provision:

*“The land is located opposite existing R1 General Residential land and is surrounded by existing urban infrastructure that would enable servicing of land at greater densities than currently permitted by LEP2010. The proposal would provide a transition of lot size between existing general residential and other large lot residential precincts in the locality, while retaining a semi-rural backdrop to land adjacent Marshalls Creek.*

*There is a limited stock of available land to develop at the proposed density under the R5 zone, particularly as there have been no significant rezoning of this type of land since the implementation of LEP2010. A supply-demand analysis, provided as an attachment to this planning proposal, has indicated a significant shortfall of appropriately zoned and serviced rural “lifestyle” lots to meet ongoing demand and choice. Higher density development of the land would be a natural and more efficient use of land resources within a connected local environment.*

*The boundaries of the proposed minimum lot size amendment have been determined based on the following factors:*

- *Proximity and accessibility to existing urban services and facilities*
- *Appropriate separation distance from the Koorinal Sewerage Treatment Plant*
- *Land that would be available for large lot residential development in relation to existing native vegetation cover*
- *Sufficient land area to allow for flexibility in lot design taking in account site opportunities and constraints*
- *Minimising overland stormwater flow impact*
- *Other land further south of this proposed minimum lot size boundary has increasing limitations in respect of proximity to the Koorinal Sewerage Treatment Plant, existing fragmentation and subdivision pattern, other incompatible zonings (RU1), proximity to the existing creek, other potential flooding impacts and extent of native vegetation cover.”*

Although the proposed amendment is not a direct result of a strategy identifying appropriate minimum lot sizes for the wider area, the proposed 0.15ha minimum lot size restriction is considered appropriate, and large enough, to enable any future subdivision of the site to be designed in a manner that minimises potential conflicts between rural residential properties and the adjoining agricultural land. It will allow the land to be subdivided in a manner that will be compatible with the existing character and amenity of the area. The new lot size provision will increase the development yield of the site to approximately 24 lots, however due to the existing tree canopy on the site, the final subdivision is expected to result in no more than 10 additional lots.

## **5. Natural hazards**

The main recognised mechanism for flooding in Wagga Wagga is the Murrumbidgee River. Flooding can also be caused by local rainfall. Recent events have emphasised that numerous areas of Wagga Wagga are liable to overland flow flooding following intense rainfall. Overland flow paths are known to be problematic and difficult to assess and mapping is used to identify the extent, along with the areas subject to potential inundation.

The subject land is mapped as being impacted by overland flow and the Wagga Wagga Spatial Plan 2013 indicates that intensification not be supported on land affected by overland flow. Council recently commenced with the review the Major Overland Flood Study of 2011 (the source of the current mapping) and the main aim is to improve mapping tools and management strategies. The strategy will identify hazards to guide rezoning and identify areas that may be suitable for intensification. It will also identify areas where intensification are best to be avoided and make recommendations for areas where appropriate planning controls could be introduced to mitigate risk as a result of overland flow.

Until this work has been completed, it is the responsibility of applicants to address the impacts of overland flow flooding on any proposed development along with the broader context and to provide management solutions in an effort to address the inconsistency of the Spatial Plan.

The most recent mapping indicates the 1% AEP depths and levels across the site

are less than 150 mm and as such the impact is considered minor. Accordingly, the off-site flood level impact is also viewed as relatively minor. Further consideration of the development concept would occur at development application stage and could include design measures to lessen the flood impact if required.

## **6. Infrastructure**

One of the key issues to consider with LEP amendments is the ramifications of any proposal on existing infrastructure and the ability of existing networks to cope with increased demands. Phasing and service planning of new development areas must ensure that services can be equitably provided to meet baseline community needs and expectations.

The site is located in an existing urban environment and has access to existing services and infrastructure including roads, reticulated water and waste collection services. Other infrastructure networks and services, including public transport, waste management/recycling, health, education, emergency, mail and other community services are established in the local area and accessible to the subject site.

The area is currently on pressure sewer. This is only sized for the existing lots and has no additional capacity. Depending on the lot yield, further subdivision would require the development to be serviced by a gravity sewer system discharging to a Sewer Pump Station. Construction of a sewer rising main would be required to a point where it can connect into Council's existing system that will be able to carry the additional load.

There is no stormwater infrastructure in the area. Runoff is overland flow into roadside table drains with limited capacity. A Stormwater report would be required as part of the future development application to address how additional flow would be safely handled taking into account the existing overland flow flooding identified in the Major Overland Flow Flood Study 2015.

Koorungal Road is a key active travel route with the off road shared path running from Lake Albert Road through to Copland Street connecting residents to the city. The additional traffic flows generated by this proposal will be adequately accommodated within the existing public road environment, including the current arrangements with the Koorungal Road/Vincent Road intersection. No direct vehicular access to individual lots will be available off Koorungal Road. All vehicular access and egress arrangements will be established via a common internal road (either public or private). Appropriate intersection treatments can be established within both the Koorungal Road and Vincent Road reserves to ensure safe access and egress to the development area. The detail of this can be finalised as part of any future development application for subdivision.

## **Financial Implications**

In accordance with Council's 2018/19 Fees and Charges, a Minor LEP Amendment (medium complexity) attracts total application fees 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 formal public consultation process and may put additional pressure on Council to review the minimum lot size 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

A Councillor workshop was undertaken on 21 January 2019.

Formal public consultation with landowners, the general public and referral agencies will occur after the Gateway Determination.

Proposed consultation methods are indicated in the table below.

	Mail			Media				Community Engagement					Digital				
	Rates notices insert	Direct mail	Letterbox drop	Council news story	Council News advert	Media releases	TV/radio advertising	One-on-one meetings	Your Say website	Community meetings	Stakeholder workshops	Drop-in sessions	Surveys and feedback forms	Social media	Email newsletters	Website	Digital advertising
<b>TIER</b>																	
<b>Consult</b>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>									<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

Internal A cross-directorate internal referral occurred as part of the previous and similar planning proposal for the subject site.

External The previous and similar proposal was also forwarded to the Environmental Protection Agency for preliminary advice of the proximity of the site to the Koorungal Sewerage Plants. The following is a summary of the comments received with Council’s Response.

Comments	Comment	Council's Response
Proximity of Koorinal Sewerage Treatment Plant	<p>The proximity of the site to the STP may have impacts from noise, odour and drift from the aerated processes (and bioaerosol transport) from the STP. Dispersion is influenced by the type of treatment plant, quantity and composition of waste water treated, landscape features and climatic factors (including temp and wind speed/direction transport). Accordingly, the appropriate thresholds and separation distances from any STP are specific to the location and infrastructure. Modelling is an important tool to determine the relevant odour, noise and health-based assessment criteria. Given the absence of information provided, any proposed reduction in the minimum lot size leading to an increase in the potentially impacted community of residents near the STP is not considered to be in the public interest, and is not supported.</p>	<p>Additional work may be required as a condition of the Gateway Determination to demonstrate the appropriateness of the distance between the sewerage treatment plant and the subject land. It should be noted that distance complies with the minimum buffer distances as per the NSW Planning Circular E3 <i>"Guidelines for Buffer Areas around Sewage Treatment Works"</i> which recommends a minimum distance of 400 metres around sewage treatment plants.</p>
Contamination	<p>LEP Amendment application has not provided any evidence by a certified person that the land is not contaminated. Council's Contaminated Land Management Policy would compel consideration by a certified person as a minimum standard of competency and investigation to be relied upon in assessing the suitability of the land for the smaller lot size and intensified residential purpose. This has not been provided.</p>	<p>It is considered that the potential impacts of Land Contamination are low and a detailed assessment may be undertaken as part of any future application for subdivision and/or land use change.</p>

Overland flow	<p>The management of overland flow does not just have implications for hazard reduction for site users but also for water quality management. The submission lacks information in this regard.</p> <p>If Council is to assess the impact of smaller lot sizes in this locality (rather than localised one-off matters such as that presented), it is necessary to consider the cumulative impact of such applications at a landscape catchment/watershed scale. The localised and limited information presented with the application has not had due regard to overland flow matters impacting the site or locality. Further detailed investigation of the impacts both on and off site would be required.</p>	<p>The site is not impacted by flooding but mapped as partly subject to overland flow flooding as a result of localised rain events. The most recent mapping indicates the 1% AEP depths and levels across the site are less than 150 mm are as such the impact is considered minor and could be address through engineering solutions as part of a future development application for subdivision.</p>
Vegetation assessment	<p>The vegetation assessment information provided is deficient and incorrect. Council must ensure proposals of this nature are accompanied by appropriately detailed expert information (and at a larger locality scale) to enable due consideration of the site and impacts of a proposal. In the absence of information to properly consider the environmental impacts of the intensified pressure on the site from a reduction in lot size, the proposal should not proceed.</p>	<p>The proposal to reduce the minimum lot size will have no significant impact on Biodiversity given the land has been bio-certified for the urban area and as such is not likely to affect any threatened species, population or ecological community, or its habitat. More information may be required as part of any future development application on the site. The potential yield may as a result of trees on the site, be reduced.</p>

### Attachments

1. LEP18/0014 - Council Officer's Assessment
2. LEP18/0014 - Addendum to Planning Proposal
3. LEP18/0014 - Planning Proposal submitted by proponents - Provided under separate cover



