

Planning Services

Gateway determination report

LGA	Wagga Wagga
PPA	Wagga Wagga City Council
NAME	Planning Proposal to reduce the minimum lot size applying to land in Lake Albert from 2 hectares to 0.15 hectares (10 - 24 homes)
NUMBER	PP_2019_WAGGA_004_00
LEP TO BE AMENDED	Wagga Wagga LEP 2010
ADDRESS	6 Vincent Road, Lake Albert 531 Koorungal Road, Lake Albert
DESCRIPTION	Lot 1 DP 653241 Lot 2 DP 1009360 Part Lot 1 DP 219692
RECEIVED	18 April 2019
FILE NO.	IRF19/2624
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

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to reduce the minimum lot size applying to land in Lake Albert from 2 hectares to 0.15 hectares.

1.2 Site description

The site comprises three lots with a combined area of 4.6 hectares. As shown in **Figure 1**, two existing dwellings are situated along the eastern boundary of the site with mature vegetation scattered across the remainder of the site.



Figure 1: Aerial photograph of the site

Source: maps.six.nsw.gov.au

1.3 Existing planning controls

The site is zoned R5 Large Lot Residential with a minimum lot size of 2 hectares under the Wagga Wagga LEP 2010.

1.4 Surrounding area

The site and surrounding area are shown in **Figure 2**.



Figure 2: Aerial photograph of the site and surrounding area

Source: maps.six.nsw.gov.au

The site is part of a strip of R5 Large Lot Residential zoned land along the eastern side of Koorungal Road. The site is separated from additional R5 zoned land to the east by a strip of land zoned RU1 Primary Production which is traversed by Marshalls Creek. The residential neighbourhood of Koorungal adjoins the western side of Koorungal Road.

The northern boundary of the Koorungal Sewerage Treatment Plant site is situated roughly 400 metres from the southern boundary of the site. **Figure 3** shows the zoning of the site and surrounding area.

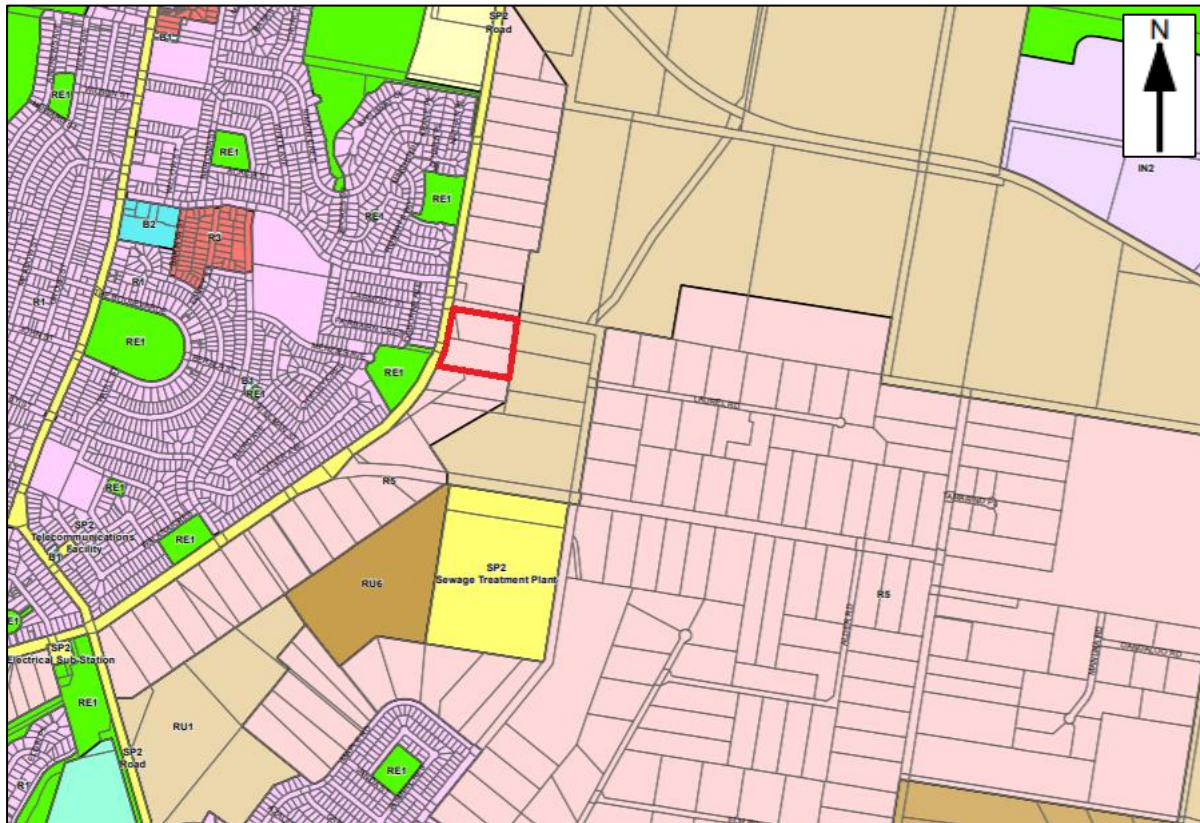


Figure 3: Land Zoning Map of the site and surrounding area

Source: legislation.nsw.gov.au

1.5 Summary of recommendation

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

- Prior to undertaking community and agency consultation, the planning proposal is to be revised in accordance with Council's final strategic land use planning framework and submitted to the Department for review.
- Consultation is required with the Office of Environment and Heritage (Floodplain Management);
- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 18 months.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcome of the planning proposal is to facilitate the creation of additional large residential lots on the site.

2.2 Explanation of provisions

The planning proposal seeks to achieve the intended outcome by amending Wagga Wagga LEP 2010 Lot Size Map LSZ_004F to reduce the applicable minimum lot size from 2 hectares to 0.15 hectares. **Figure 4** illustrates the proposed amendment to the Lot Size Map.



Figure 4: Current and proposed Lot Size Maps

Source: Wagga Wagga City Council

2.3 Mapping

The planning proposal includes maps which illustrate the proposed amendment to the Lot Size Map. The maps are considered suitable for community consultation.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal states that the 2 hectare minimum lot size applying to the site does not respond to the aims of the Wagga Wagga LEP 2010 to optimise the management and use of land and promote sustainable urban development.

In accordance with an analysis of rural residential land supply prepared in support of the planning proposal, the supply of appropriately zoned and serviced rural lifestyle lots in Wagga Wagga has fallen from 1146 lots in 2001 to 217 lots in 2017, 189 of which are zoned R5. This represents a take up rate of nearly 60 lots per year over 16 years.

The planning proposal states that increasing housing opportunities on the site represents an efficient use of land, noting the site has access to existing services and infrastructure. The planning proposal argues that a 0.15 hectare minimum lot size is large enough to preserve the rural character of the surrounding area and minimise land use conflicts. An addendum to the planning proposal prepared by Council states that the proposed minimum lot size will facilitate the creation of up to

24 lots but anticipates no more than 10 lots will be created due to the vegetation cover on the site.

Although the planning proposal states there is a demonstrated need for additional rural lifestyle lots in Wagga Wagga, given the planning proposal may lead to other land holders seeking similar reductions for their land, reducing the minimum lot size to the extent proposed is likely to have significant implications for the surrounding area.

While the merit of reviewing the minimum lot size applying to the site and surrounding area is acknowledged, the planning proposal should not proceed to exhibition until Council has completed the strategic land use planning work currently being prepared, including Council's Local Strategic Planning Statement.

This approach will enable consideration of the desired future character of the broader Koorungal Road precinct, and the potential cumulative impact of reducing minimum lot sizes in the area, which can be determined through Council's strategic land use planning framework. This is particularly significant noting the proximity of the site to the Koorungal Sewerage Treatment Plant and land impacted by overland flow flooding.

For the reasons stated above, it is recommended that a revised planning proposal be submitted to the Department which is consistent with Council's final strategic planning framework prior to proceeding to public consultation.

4. STRATEGIC ASSESSMENT

4.1 State

There is no applicable state strategic planning framework.

4.2 Regional / District

The Riverina Murray Regional Plan 2036 applies to land within the Wagga Wagga LGA. The planning proposal identifies the following Directions as applicable:

- Direction 22: Promote the growth of regional cities and local centres;
- Direction 25: Build housing capacity to meet demand;
- Direction 26: Provide greater housing choice; and
- Direction 27: Manage rural residential development.

Of the abovementioned Directions, Directions 25 and 27 are applicable to determining the strategic merit of the planning proposal.

The intended outcome of the planning proposal is consistent with Directions 25 and 27 as it supports additional residential development to help make more housing available on land with access to existing services and infrastructure.

Action 27.1 provides for new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by the Department. The Regional Plan identifies this action as having a 'medium term' timeframe for completion. Although the intended outcome of the planning proposal is not supported by a local housing strategy, it is not inconsistent with this Action and Direction 27 of the Regional Plan. Council estimates the proposal will yield between 10 and 24 additional lots on land that is currently zoned R5 Large Lot Residential.

Whilst Council's Spatial Plan 2013/43 identifies the subject site as 'urban land' it does not identify it for 'potential intensification'. The planning proposal's appendices include reference to Council's draft Activation Strategy 2040 (in preparation). This strategy identifies the subject site to be within the 'urban containment line' of the Lake Albert, Tatton Precinct, which is identified as providing a mix of low density and rural lifestyle living.

Action 27.2 requires new rural residential areas maximise efficient use of existing infrastructure and services. The subject site does have access to existing services and infrastructure, however the area is currently on pressure sewer, which is sized for existing lots and has no additional capacity. Augmentation to the Sewer Pump Station may be required depending on the final lot yield.

Action 27.3 requires management of land use conflict that can result from cumulative impacts. Although the planning proposal states the applicable 2 hectare minimum lot size is inappropriate, it does not demonstrate that the proposed 0.15 hectare minimum lot size is a suitable alternative.

Accordingly, consideration of an appropriate minimum lot size for the site should be deferred until the completion of Council's strategic land use planning work, including Council's Local Strategic Planning Statement, which is currently being prepared.

4.3 Local

The planning proposal notes that although the Wagga Wagga Spatial Plan 2013/43 applies to the site, it does not specifically identify the site or surrounding area for potential urban intensification. Notwithstanding this, the addendum to the planning proposal prepared by Council states that the intended outcome is generally consistent with the Spatial Plan as it facilitates additional residential opportunities within an established urban area with access to existing services and infrastructure.

Although the planning proposal is not inconsistent with the Spatial Plan, given the site and surrounding area is not identified for potential urban intensification, consideration of an appropriate minimum lot size for the site should be deferred until the completion of Council's strategic land use planning work, including Council's Local Strategic Planning Statement, which is currently being prepared.

4.4 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, avoid consumption of land on the urban fringe and make more efficient use of existing infrastructure.

The planning proposal facilitates the intended outcome without consuming greenfield land on the urban fringe. Facilitating residential development on the site makes more efficient use of existing infrastructure and services by accommodating development within an established 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.

3.4 Integrating Land Use and Transport

Direction 3.4 Integrating Land Use and Transport applies as the planning proposal creates a zone relating to urban land. The planning proposal states it is consistent with the direction as the subject area is within an established residential area with access to a variety of transport modes.

The planning proposal seeks to facilitate additional development within an established residential area with access to existing infrastructure and services. Accordingly, the planning proposal is considered to be consistent with this Direction.

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

4.3 Flood Prone Land

Direction 4.3 Flood Prone Land applies as the planning proposal seeks to alter a provision that affects land subject to overland flow flooding. The planning proposal does not identify this Direction as applicable to the planning proposal.

Although the planning proposal notes that a portion of site is subject to overland flow flooding, the extent to which increasing the density of development on the site may impact other properties is unclear.

Recommendation: It is recommended that the planning proposal be subject to consultation with the Office of Environment and Heritage (Floodplain Management) prior to determining the proposals consistency with the direction.

5.10 Implementation of Regional Plans

Direction 5.10 Implementation of Regional Plans applies as the planning proposal relates to land subject to the Riverina Murray Regional Plan 2036.

As noted above, the planning proposal is generally consistent with Directions 25, 27 and the overall intent of 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.

Additional Directions

The planning proposal identifies nine additional Directions as applicable. An assessment of the planning proposal against the following Section 9.1 Ministerial Directions indicates that they do not apply to the proposal as it does not relate to the matters addressed by each Direction.

- 2.1 Environmental Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.2 Caravan Parks & Manufactured Home Estates
- 3.3 Home Occupations
- 3.5 Development Near Regulated Airports and Defence Airfields
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

- 6.3 Site Specific Provisions

4.5 State environmental planning policies (SEPPs)

The planning proposal identifies State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) as applicable given the subject area is known to have been used for agricultural purposes in the past. It is understood that past agricultural activities undertaken on the site are limited to grazing and the site has not been utilised for agricultural purposes for many years.

Council has considered whether the land is contaminated and is satisfied that the contamination risk is low. Given the planning proposal does not seek to rezone the site or permit a change of use, it is considered that additional consideration of this matter can be undertaken during the assessment of any future development application in accordance with SEPP 55.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal states that increasing residential development opportunities on the site will meet a demonstrated need for rural lifestyle lots in Wagga Wagga. In addition to providing additional housing opportunities, the planning proposal argues that the intended outcome will contribute positively to the local economy via employment opportunities for the local construction industry and increasing the population of the LGA.

While the planning proposal argues the proposed 0.15 hectare minimum lot size is large enough to enable the site to be subdivided in a manner which minimises land use conflict, the cumulative impact of reducing minimum lot sizes in the area is not considered. This is particularly relevant given the sites proximity to the Koorringal Sewerage Treatment Plant and land impacted by overland flow flooding.

Given adjoining land on the eastern side of Koorringal Road is characterised by large residential lots consistent with the applicable 2 hectare minimum lot size, the planning proposal could significantly alter the character of the surrounding area.

Given the planning proposal may lead to other surrounding land holders seeking similar reductions in the minimum lot size for their land, consideration of an appropriate minimum lot size should be deferred to enable the desired future character of the broader Koorringal Road precinct and the cumulative impact of reducing minimum lot sizes in the surrounding area to be assessed.

Accordingly, it is recommended that the planning proposal should not proceed to exhibition until the completion of Council's strategic land use planning work, including Council's Local Strategic Planning Statement, which is currently being prepared.

A revised planning proposal must be submitted to the Department which is consistent with Council's final strategic planning framework prior to proceeding to public consultation.

5.2 Environmental

The Wagga Wagga Major Overland Flow Flood Study 2011 identifies the RU1 Primary Production zoned land east of the site as subject to overland flow flooding. The addendum to the planning proposal prepared by Council indicates that recent

modelling undertaken as part a review of the 2011 Study identifies a portion of the site as subject to low levels of overland flow flooding (less than 150mm).

Although the planning proposal acknowledges the site may be subject to overland flow flooding, the offsite impacts of increasing residential densities on the site are unclear. For this reason, consideration of an appropriate minimum lot size should be deferred to until the cumulative impacts of reducing minimum lot sizes in the area have been assessed as part of Council's strategic land use planning work, including Council's Local Strategic Planning Statement, which is currently being prepared. Nonetheless, it is recommended that consultation with the Office of Environment and Heritage (Floodplain Management) be undertaken.

Mature vegetation is also scattered across the site and the planning proposal notes this includes stands of box-gum woodland. As the clearing of native vegetation on land zoned R5 Large Lot Residential is regulated under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, this matter can be addressed in accordance with the SEPP.

5.3 Economic

As noted above, the site is within an established residential area with access to existing infrastructure and services, including reticulated water and waste collection. The addendum to the planning proposal prepared by Council notes that the sewerage infrastructure which services the area has limited capacity to service additional development. Accordingly, augmentation of the existing sewerage system would be required to service any additional residential development in the area.

Whilst the planning proposal demonstrates that augmentation works can be delivered, the cumulative impact of reducing minimum lot sizes on existing infrastructure in the area is not considered. For this reason, consideration of an appropriate minimum lot size should be deferred to enable the cumulative impact of reducing minimum lot sizes in the area to be assessed.

6. CONSULTATION

6.1 Community

Given the planning proposal seeks to apply a minimum lot size which is inconsistent with the subdivision pattern of the surrounding area, it is likely to generate community interest. Accordingly, it is recommended that the planning proposal be made available for community consultation for a minimum of 28 days.

6.2 Agencies

Given the planning proposal seeks to facilitate additional residential development on land partially subject to overland flow flooding, consultation with the Office of Environment and Heritage (Floodplain Management) is recommended.

7. TIME FRAME

Council has indicated the LEP can be completed within 5 months of the date a Gateway determination is issued. Given it is recommended that the planning proposal be revised following the completion of Council's strategic land use planning work, the timeframe for completing the LEP should be 18 months. It is considered that this timeframe will enable Council to finalise its strategic planning framework, including its Local Strategic Planning Statement and revise the planning proposal accordingly.

8. LOCAL PLAN-MAKING AUTHORITY

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

Due to the localised nature of planning proposal, it is recommended that Council's request be supported.

9. CONCLUSION

It is recommended the planning proposal proceed subject to conditions, including requiring the planning proposal be revised upon completion of Council's strategic planning framework, including Council's Local Strategic Planning Statement. Given the planning proposal may lead to other land holders seeking similar reductions to the minimum lot size for their land, consideration of an appropriate minimum lot size should be deferred to enable the desired future character of the Koorringal Road precinct and the cumulative impact of reducing minimum lot sizes in the area to be determined through council's strategic planning work.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Direction 4.3 Flood Prone Land is unresolved and will require justification.

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

1. Prior to undertaking community consultation, the planning proposal is to be revised in accordance with Council's final strategic land use planning framework and submitted to the Department for review.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the Office of Environment and Heritage (Floodplain Management).
4. The time frame for completing the LEP is to be 18 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.



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