

Planning and Assessment

IRF20/3317

Gateway determination report

LGA	Wagga Wagga
PPA	Wagga Wagga City Council
NAME	Rezone land from R5 Large Lot Residential to R1 General Residential and remove the 2ha minimum lot size provisions for 47 and 49 Vincent Road, Lake Albert (40 homes, 0 jobs)
NUMBER	PP_2020_WAGGA_001_00
LEP TO BE AMENDED	Wagga Wagga Local Environmental Plan 2010
ADDRESS	47 and 49 Vincent Road, Lake Albert
DESCRIPTION	Lots 4 and 5 DP 228763
RECEIVED	10 July 2020
FILE NO.	IRF20/3317
POLITICAL DONATIONS	There are no known donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

Proposed amendment to the Wagga Wagga Local Environmental Plan 2010, at Lots 4 and 5, DP 228763, 47 and 49 Vincent Road, Lake Albert. The proposed amendments will rezone the land from R5 Large Lot Residential to R1 General Residential and remove the 2ha Minimum Lot Size (MLS) provisions to enable further subdivision of the land to create 40-50 new dwellings.

1.2 Site and surrounding area description

The study area includes two adjacent lots totalling approximately 4.4ha, each which have a single dwelling (**Figure 1**). The land has been previously cleared, so there are no bushfire or biodiversity constraints on the land. The study area is located approximately 5.5km south-east of Wagga Wagga CBD, within the Lake Albert residential area (**Figure 2**). Description of the surrounding area is provided on page 18 of the planning proposal and depicted in **Figure 2**.

1.3 Existing planning controls

The study area is zoned R5 Large Lot Residential with a 2ha MLS, as shown on Figures 3 and 4, page 4 of the planning proposal.



Figure 1: The study area showing Lots 4 and 5, DP 228763

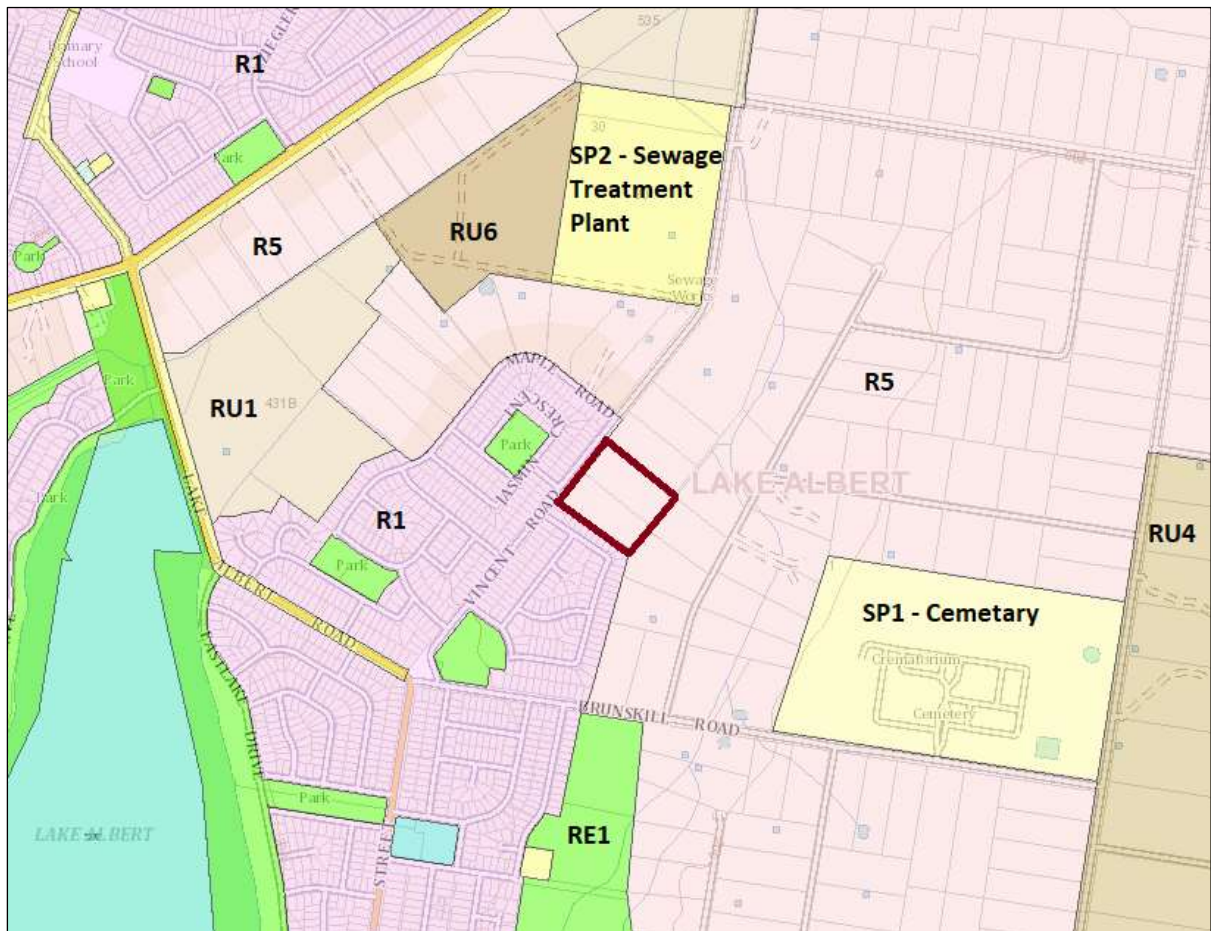


Figure 2: Surrounding land zones of the study area within Lake Albert

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the proposal are contained in Part 2, page 4 of the planning proposal. They clearly articulate the intended outcome of the planning and do not require amendment prior to community consultation.

2.2 Explanation of provisions

The proposed explanation of provisions is contained in Part 3, page 4 of the planning proposal. They clearly articulate how the intended outcome will be achieved, clearly stating what LEP amendments are required and do not require amendment prior to community consultation.

2.3 Mapping

The proposal will require map sheets LZN_004F and LSZ_004F to be updated to show the new zone and MLS provisions, as shown on Figures 3 and 4, page 4 of the planning proposal.

3. NEED FOR THE PLANNING PROPOSAL

Part 4.1, pages 6-7 of the planning proposal provides the justification for the LEP amendment. The planning proposal would allow the land to be developed for residential purposes with the same development controls of the surrounding area. It is agreed that proposal is the best means for achieving the intended outcomes.

4. STRATEGIC ASSESSMENT

4.1 State

A discussion paper on 'A Housing Strategy for NSW' (May 2020) is currently on exhibition and is relevant to this proposal. The Strategy provides high level principles to be considered when providing adequate housing for a growing population, mainly:

- Housing supply in the right location at the right time.
- Diverse housing for diverse needs.
- Housing with improve affordability and stability.
- Responsive and resilient housing.

Between 2016 and 2041, Wagga Wagga LGA is predicted to grow by more than 7,300 people (DPIE, 2019). The Wagga Wagga Spatial Plan 2013-2043 – Area 10 Lake Albert identified the study area and surrounds for intensification of residential uses from 2019 onwards, subject to provision of infrastructure and management of environmental hazards. Therefore, the proposal is broadly consistent with the Strategy as:

- It is likely to provide for needed housing to accommodate growth at the right time and location.
- The proposal will provide diverse housing which is likely to have an average lot size of 800-1000m², with the ability to provide increased density through the Low Rise Housing Diversity Code.
- House builds will meet the requirements of BASIX.

4.2 Regional / District

The Riverina Murray Regional Plan (RMRP) 2036 is relevant to the proposal. The proposal is consistent with the following Directions:

- 22 - Promote the growth of regional cities and local centres: as the proposal will create additional residential supply in an already serviceable area.
- 25 - Build housing capacity to meet demand: as the proposal will provide additional housing options needed for the growing population of Wagga.
- 26 - Provide greater housing choice: as the proposal allows for a range of housing types, with the ability to provide increased density through the Low Rise Housing Diversity Code.

Direction 16: Increase resilience to natural hazards and climate change

The 2011 and 2015 Major Overland Flow Flood Studies show the study area would have low (<0.25cm) flood levels at the 1% AEP. Council are currently reviewing the overland flow flooding and map the study area with floods of <100mm in depth are considered minor (see Section B pages 5-6, of Council's amended planning proposal report). The development application stage would review this hazard further and ensure appropriate engineering controls, such as building heights, locate the development above the flood level. Development of the proposal is not expected to have a major impact in offsite flooding. Therefore, the proposal is consistent with this Direction.

4.3 Local

The Wagga Wagga Spatial Plan – Area 10 Lake Albert identified the broader study area for future residential development in 5-15 years (from 2019 onwards). However, the Spatial Plan specifically requires new studies to manage risks associated with increasing residential intensity and any intensification in an overland flow flooding will not be supported. As previously described, parts of the study area are subject to minor overland flooding. Council have indicated despite the overland flow flooding impacts; these are minor and can be addressed through engineering controls at the development application stage. Therefore, the inconsistency with the Spatial Plan is considered minor and justified.

4.4 Section 9.1 Ministerial Directions

Assessing the proposal it is determined to be consistent with the following section 9.1 Directions:

- 3.1 Residential Zones as the proposal will increase housing choices and make more efficient use of the land within the city boundaries.
- 3.3 Home Occupations as the proposal will continue to permit home occupations to be carried out in dwellings without development consent.
- 3.4 Integrating Land Use and Transport as the land is already accessible to transport options.
- 3.5 Development Near Licensed Aerodromes as the proposal is near the Wagga Wagga Airport and RAAF Base Wagga. The proposal is consistent with this Direction as it is outside of the Australian Noise Exposure Forecast 25 and Obstacle Limitation Surfaces contours as per the Wagga Wagga Airport Master Plan 2010.

- 5.10 Implementation of Regional Plans as the proposal is consistent with the RMRP as previously discussed.
- 6.1 Approval and Referral Requirements as the proposal will not require any additional consultation, concurrence or referrals for development.
- 6.3 Site Specific Provisions as the proposed amendment permit the development occur through existing development controls without the need for site specific development controls.

Direction 2.6 Remediation of Contaminated Land

This Direction applies as the land has been previously used for agricultural purposes which is a potentially contaminating activity. An initial site contamination investigation report was completed for Lot 4 DP 228763 only. A review of Council records found the land use history of Lot 4 and 5 was similar. Given there was no evidence of contamination on Lot 4 and the study area has already been rezoned from rural to residential purposes in the past, there is a low likelihood for site contamination on Lot 5 to make it unsuitable for increased residential uses. Therefore, the planning proposal is consistent with this Direction.

Direction 4.3 Flood Prone Land

This Direction applies as the planning proposal will amend a zone and development controls within flood prone land. Details of flood levels of the study area are considered minor as previously described in section 4.2 of this report. As the planning proposal is in accordance with a floodplain risk management plan, the inconsistency with this Direction is considered justified.

4.5 State environmental planning policies (SEPPs)

The planning proposal has provided an assessment of the proposal against the State Environmental Planning Policies on Table 2, page 9 of the planning proposal. It does not identify any inconsistencies or issues of concern. The planning proposal assessment is considered appropriate. There are no other issues of concern in relation to State issues.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and economic

The social and economic outcomes of building and providing additional housing in an existing suburb of Wagga are adequately outlined on pages 12-13 of the planning proposal.

5.2 Environmental

The study area is not bushfire prone and is located with the existing biodiversity certification area of the City urban area. Flood constraints of the study area are minor and can be controlled through appropriate design controls at the development application stage. Therefore, the proposal is not expected to have a negative impact on the local environment.

5.3 Infrastructure

The proposal is located within existing urban infrastructure servicing catchments including direct connections to existing public road, sewer, drainage, water, electricity, telecommunications and gas networks. While some upgrades may be required to sewer to accommodate the new servicing demands Council can achieve this. There are no known State infrastructure concerns for this proposal.

6. CONSULTATION

6.1 Community

Council has correctly identified that the proposal meets the definition of a low impact proposal which is eligible for a 14 day public exhibition period. Despite this, Council has requested for a 28 day public exhibition period. Given the additional exhibition periods which have become a standard procedure during the corona virus pandemic a 28 day public exhibition period is supported and recommended.

6.2 Agencies

Council has not proposed any agency consultation. As there are no inconsistencies with State, regional or local planning controls, this is considered appropriate.

7. TIME FRAME

Council have proposed an eight month time frame for completing the LEP. Given the minor nature of this spot rezoning the timeframe is considered appropriate. The recommended timeframe is nine months to allow for additional time for public consultation during the corona virus pandemic.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. Council should be authorised to be the local plan-making authority as they have no interests in the land.

9. CONCLUSION

Preparation of the planning proposal is supported to proceed with conditions as it is:

- Consistent with relevant local, regional and State planning policies, including relevant section 9.1 Directions.
- Will provide for additional housing to meet population growth requirements in an existing residential area, with access to appropriate servicing.
- Is unlikely to cause any social, economic or environmental issues given further controls around flooding and land contamination can be resolved at the development application stage.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary agree that any inconsistency with section 9.1 Direction [4.3 Flood Prone Land] is minor or justified.

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 28 days.
2. No consultation with public authorities is recommended.
3. A public hearing is not required.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.

5. The final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.



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19.8.20

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