

Planning Services

Gateway determination report

LGA	Wagga Wagga
PPA	Wagga Wagga City Council
NAME	Planning proposal to reduce the minimum lot size of land at Springvale from 8 hectares to 0.45 hectares (6 homes, 0 jobs)
NUMBER	PP 2019 WAGGA 001 00
LEP TO BE AMENDED	Wagga Wagga LEP 2010
ADDRESS	Lloyd Road, Springvale 2650 Plane Tree Drive, Springvale 2650 Stringybark Place, Springvale 2650
DESCRIPTION	Lots 1 – 3 DP 818428 Lots 1 – 7 DP 860586 Lots 1- 12 DP 1110942
RECEIVED	12 February 2019
FILE NO.	IRF19/1001
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 Wagga Wagga LEP 2010 by reducing the minimum lot size applying to land at Springvale from 8 hectares to 0.45 hectares.

Site description

The planning proposal applies to the following land:

- Lots 1-3 DP 818428, Lloyd Road, Springvale 2650
- Lots 1-7 DP 860586, Plane Tree Drive, Springvale 2650
- Lots 1-12 DP 1110942, Stringybark Place, Springvale 2650

As indicated in **Figure 1**, the Plane Tree Drive and Stringybark Place precinct is accessed via Lloyd Road to the south. Residential development characterises the land use pattern of the subject area with lot sizes ranging from 4750 square metres to 2 hectares.



Figure 1: Aerial photograph of the subject area

Source: maps.six.nsw.gov.au

Existing planning controls

The subject area is zoned R5 Large Lot Residential with a minimum lot size of 8 hectares under the Wagga Wagga LEP 2010.

Surrounding area

The subject area is situated at the southern edge of Wagga Wagga city. The land adjoins large lot residential development to the east and vacant land zoned RU6 Transition to the north west. Large lot residential development adjoins the southern boundary of Lloyd Road with rural land further south. **Figures 2 and 3** show the site and surrounding area.



Figure 2: The site and surrounding area

Source: maps.six.nsw.gov.au

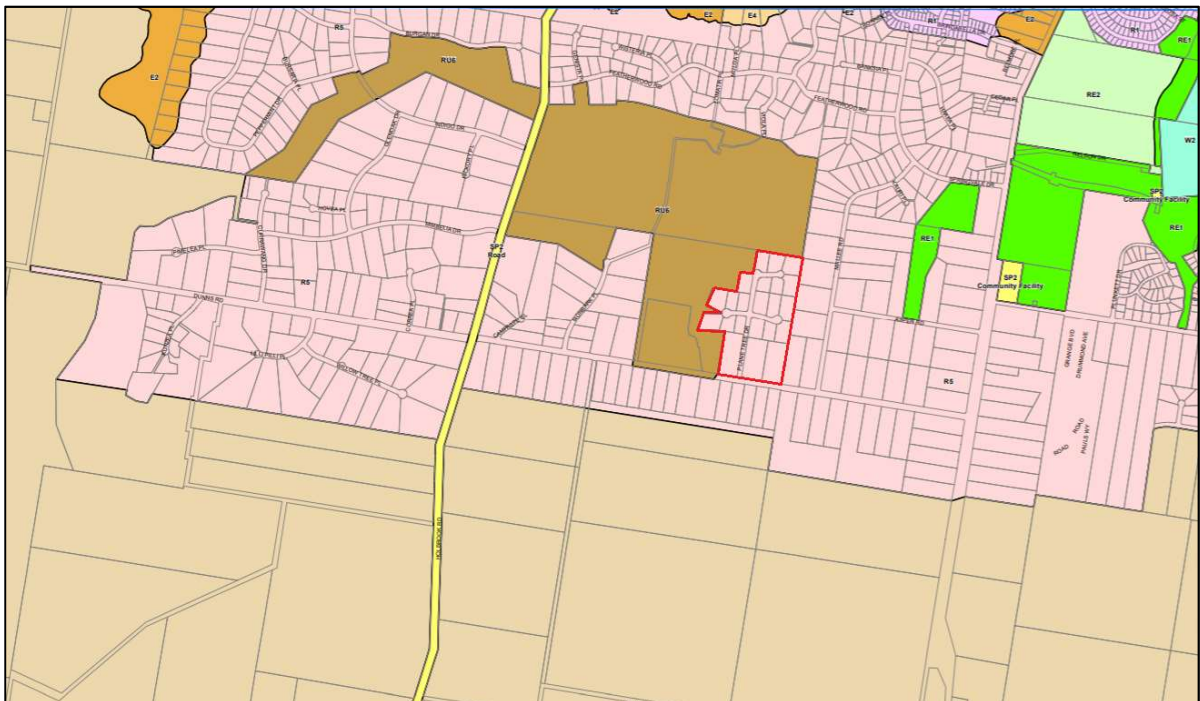


Figure 3: The zoning of the site and surrounding area

Source: legislation.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;
- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 12 months;

PROPOSAL

Objectives or intended outcomes

The intended outcome of the planning proposal is to facilitate the subdivision of Lots 1 – 3 DP 818428, Lloyd Road. The planning proposal also seeks to apply a minimum lot size to adjoining land which is consistent with the existing lot size pattern along Plane Tree Drive and Stringybark Place.

Explanation of provisions

The planning proposal seeks to achieve the intended outcome by amending Wagga Wagga LEP 2010 Lot Size Map LSZ_004E as follows:

- reduce the minimum lot size applying to Lots 1-3 DP 818428, Lots 1-7 DP 860586 and Lots 1-12 DP 1110942 from 8 hectares to 0.45 hectares.

Figure 4 displays the current and proposed minimum lot sizes applying to the subject area.

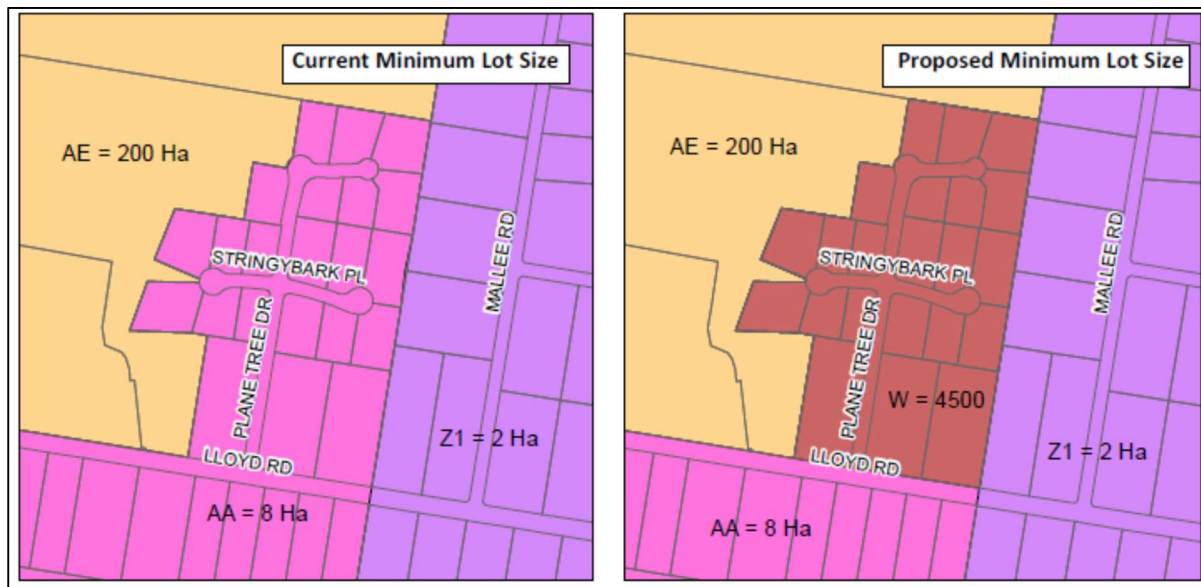


Figure 4: Current and proposed Lot Size Map

Source: Wagga Wagga City Council

Mapping

The planning proposal seeks to amend Wagga Wagga LEP 2010 Lot Size Map LSZ_004E. An addendum to the planning proposal submitted by Council includes an indicative Lot Size Map (**Figure 4**). This map is considered suitable for community consultation.

NEED FOR THE PLANNING PROPOSAL

The planning proposal submitted to Council by the proponent applies to Lots 1-3 DP 818428 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 Plane Tree Drive and Stringybark Place precinct from 8 hectares to 0.45 hectares. Council has prepared an addendum to the planning proposal in accordance with this approach.

The addendum to the planning proposal states that reducing the minimum lot size to 0.45 hectares will enable Lots 1-3 DP 818428 to be subdivided in a manner

consistent with the existing subdivision pattern of the Plane Tree Drive and Stringybark Place precinct. Council estimates that the subdivision of Lots 1-3 DP 818428 will facilitate the creation of six additional lots. The remaining lots in the subject area range in size from 4750 square metres to 8500 square metres, with the average lot size 0.65 hectares.

The application of the proposed 0.45 hectare minimum lot size to the entire precinct will not result in further subdivision of Lots 1-7 DP 860586 and Lots 1-12 DP 1110942. The intended outcome of this approach is purely to ensure the minimum lot size reflects the existing subdivision pattern and desired character of the Plane Tree Drive and Stringybark Place precinct. **Figure 5** illustrates the intended outcome of the planning proposal, displaying the two distinct portions of the precinct described above.

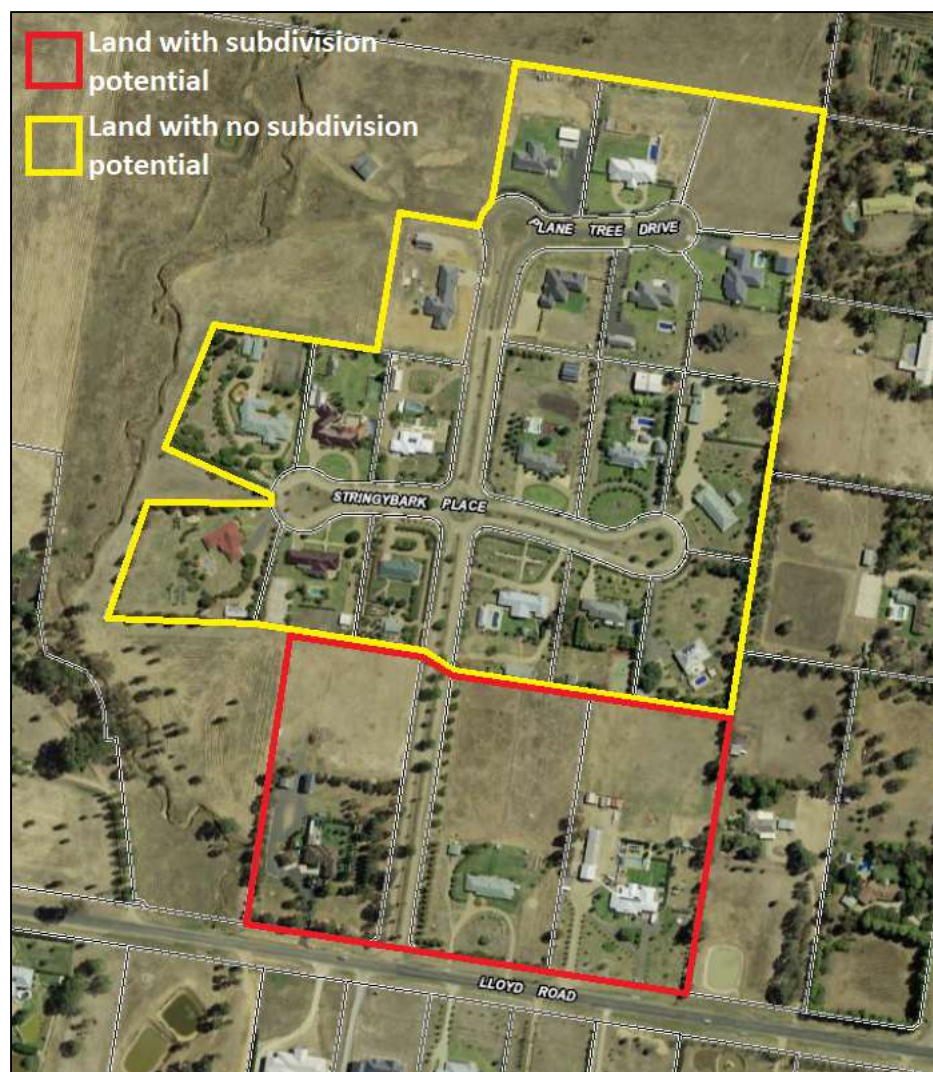


Figure 5: Intended outcome of the planning proposal

Source: maps.six.nsw.gov.au

The intended outcome of the planning proposal is reasonable noting the existing subdivision pattern of the subject area. The creation of up to six additional large residential lots is in accordance with the surrounding land use pattern and therefore, 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 indicates 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;
- Direction 26: Provide greater housing choice; 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 six additional large residential lots in the Plane Tree Drive and Stringybark Place 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 six additional lots within the subject area is unlikely to result in land use conflict with adjoining properties given development will be consistent with the surrounding land use and subdivision pattern. In addition, the land on which the additional lots will be created is not of high environmental value, cultural or heritage significance or affected by 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. The Activation Strategy will ultimately 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, the planning proposal provides sufficient justification for reducing the minimum lot size for the precinct.

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 six additional large residential lots without consuming greenfield land on the urban fringe. Facilitating the creation of six additional lots within the Plane Tree Drive and Stringybark Place precinct 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 alters a provision relating to urban land. The planning proposal state it is consistent with the direction as it will provide additional housing choice in a location 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.

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

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.

Additional Directions

The planning proposal identifies nine additional Directions as applicable. An assessment of the planning proposal against the following identified 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 Licensed Aerodromes
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

State environmental planning policies (SEPPs)

The planning proposal identifies the following SEPPs as applicable:

- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The abovementioned SEPPs are not considered relevant to determining the strategic merit of the planning proposal. The matters addressed in these SEPPs will be considered as part of the assessment process for a future development application for the subdivision of Lots 1-3 DP 818428.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal indicates that there is a demonstrated demand for large residential lots in the Wagga Wagga LGA. By facilitating additional large lot residential development within an established residential area, the planning proposal provides additional housing opportunities without increasing the potential for land use conflict with surrounding land uses.

Environmental

Although the subject area is wholly identified by the Wagga Wagga LEP 2010 Terrestrial Biodiversity Map BIO_004, aerial photographs indicate that Lots 1-3 DP 818428 are predominantly cleared with minimal vegetation cover.

The subject area is also identified on Water Resource Map WRE_004. Clause 7.5 of the Wagga Wagga LEP 2010 requires the consideration of potential adverse impacts of development on land identified on the Water Resource Map prior to granting development consent. Accordingly, any impacts associated with the subdivision of Lots 1-3 DP 818428 can be considered at the development assessment stage.

Based on the information provided, the land on which the additional lots will be created is not of high environmental value, cultural or heritage significance or affected by natural hazards.

Economic

The proposal is not considered to have any adverse economic impacts. The Plane Tree Drive and Stringybark Place precinct is an established 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. Eight submissions were received from surrounding landowners following consultation. The original proposal was to reduce

the minimum lot size for Lots 1-3 DP 818428 to 4,000 square meters, however, preliminary consultation with landowners where concerns were raised about the proposed lot size. In response, Council has prepared an addendum to the planning proposal to increase the proposed minimum lot size to 4500 square metres, better reflecting the existing subdivision pattern of the remainder of the subject area.

Given the subject area contains 22 lots, the creation of up to six additional lots is likely to generate community interest. Therefore, it is recommended that the planning proposal be made available for community consultation for a minimum of 28 days.

Agencies

Council has not proposed any consultation with government agencies.

Given the subject area has access to existing infrastructure and services, is not of high environmental value, cultural or heritage significance or affected by natural hazards, consultation with government agencies is not considered necessary.

TIME FRAME

Council has indicated the LEP can be completed within 7 months of the date a Gateway determination is issued.

It is recommended that the timeframe for completing the LEP be 12 months to account for any unexpected delays in the plan making process.

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.

CONCLUSION

The planning proposal is supported to proceed subject to conditions.

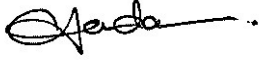
The proposal will facilitate six additional large residential lots in the Plane Tree Drive and Stringybark Place precinct and establish a minimum lot size consistent with the the current subdivision pattern and desired character of the area.

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 28 days.
2. The time frame for completing the LEP is to be 12 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.



06/03/2019

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11/03/2019

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