



Planning,
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Environment

IRF21/44

Gateway determination report – PP-2020-3910

Rezone land to RU5 Village zone and remove lot sizes
at Collingullie (150 dwellings and construction jobs)

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Wagga Wagga Planning Proposal and Addendum for LEP19/0008 (including Planning Proposal Collingullie Village Rezoning (June 2019)).
Wagga Wagga Planning Proposal Assessment Report – Lands at Lockhart Road and Bristol Street, Collingullie.

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	LGA name
PPA	Wagga Wagga City Council
NAME	Rezone land and amend lot sizes at Collingullie (150 dwellings; construction jobs)
NUMBER	PP-2020-3910
LEP TO BE AMENDED	Wagga Wagga Local Environmental Plan 2010
ADDRESS	9 Lockhart Road, Collingullie 39 and 84 Bristol Street, Collingullie
DESCRIPTION	Part Lot 39 DP754561; Part Lot 1 DP120715; Part Lot 5 DP833514; Part Lot 20 DP843207
RECEIVED	8/12/2020
FILE NO.	IRF21/44
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

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Facilitate additional housing opportunities in Collingullie village
- Increase the resident population of Collingullie to assist the sustainability of existing and future services and community facilities
- Facilitate more affordable housing opportunities in the local government area
- Meet community demand for larger residential lots, in a location that would not compromise future urban development, as supported by Council in the draft Activation Strategy.

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal seeks to amend the Wagga Wagga LEP 2010 per the changes below:

Table 3 Current and Proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production	RU5 Village
Minimum lot size	200ha	No lot size
Number of dwellings	0	150
Number of jobs	N/A	Construction jobs

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.3 Site description and surrounding area

The subject land is 37 hectares in size and located to the immediate south, west and east of the existing footprint of the Collingullie township. It is predominantly flat, consisting of lands historically used for grazing. The subject land adjoins the southern boundary of the village of Collingullie. It is bounded on the east by Bristol Street and on the west by The Rock-Collingullie Road. The land is largely cleared except for a patch of vegetation on the south east corner adjoining the existing village zone.

The village of Collingullie is 23 kilometres west of the Wagga Wagga CBD on the Sturt Highway and has a population of almost 400 people.

On the southern boundary of the village is a public recreation area (Collingullie Oval).

The village has access to infrastructure, including reticulated water and sewer and community facilities. Research suggests that the existing primary school in the north west corner of the town is closed. The existing Collingullie Store has recently been proposed to re-develop as a highway service centre. The Sturt Highway, forming the northern boundary of the Village and the subject land, is a classified road.

There is a sewerage treatment plant approximately 530 metres south of the existing village southern boundary.



Figure 1 Subject site (source: Addendum Planning Proposal)

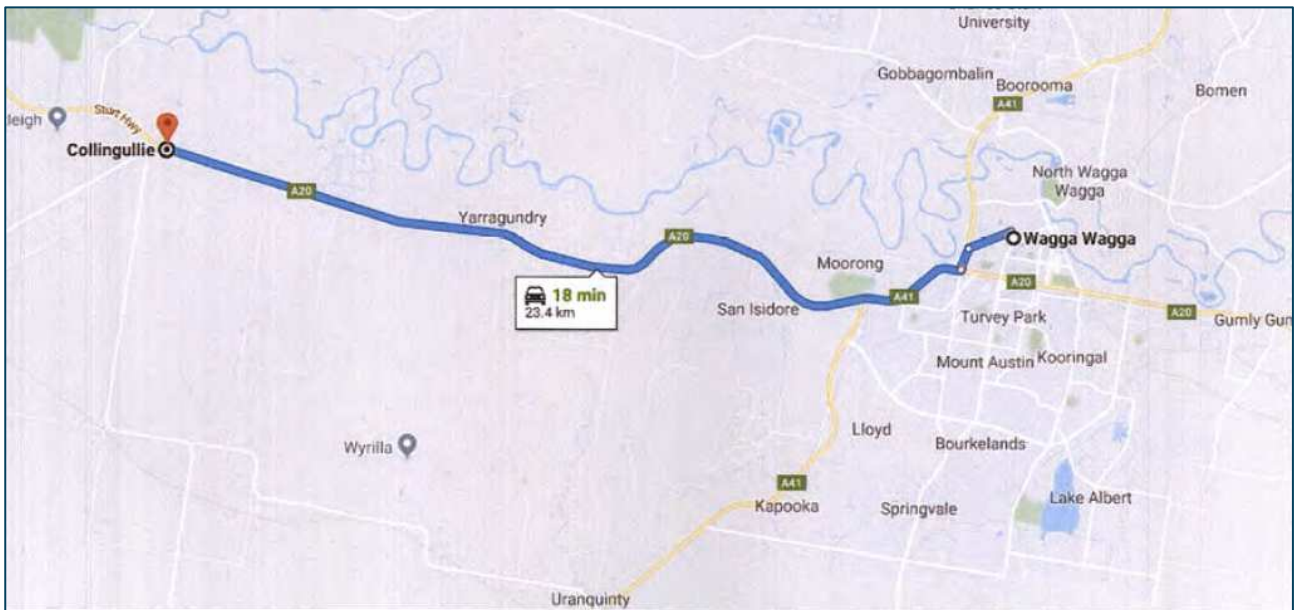


Figure 2 Site context (source: Planning Proposal (Google Maps))

1.4 Mapping

The planning proposal includes mapping showing the proposed changes to the Wagga Wagga Local Environmental Plan 2010 maps, which are suitable for community consultation. The land is currently zoned RU1 Primary Production, as shown on Figure 3 and has a lot size of 200ha, as shown in Figure 4. The proposal is to amend the zoning to RU5 Village Zone (Figure 5) and remove the lot size (Figure 6).

Note. The source of Figures 3-6 is the Planning Proposal and Addendum.

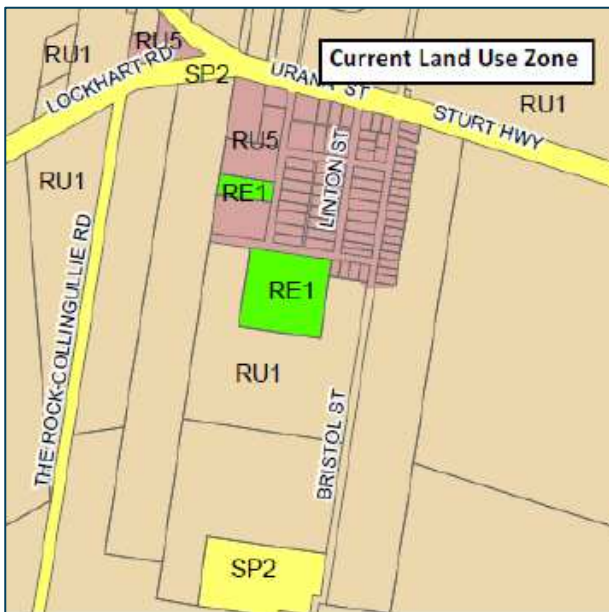


Figure 3 Current zoning map

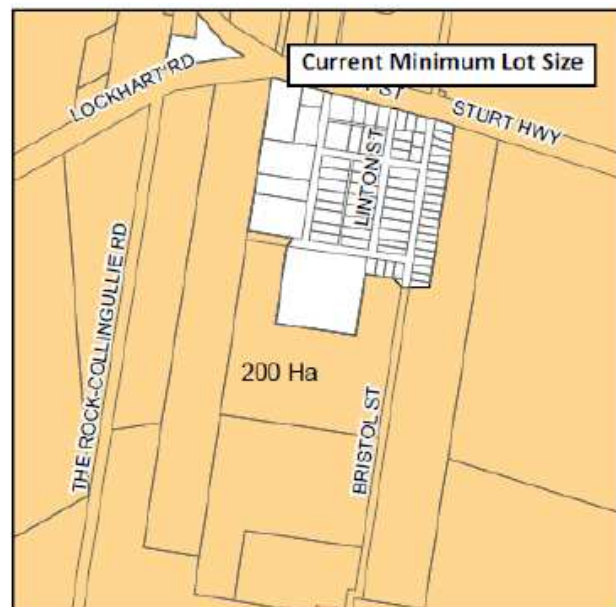


Figure 4 Current minimum lot size map

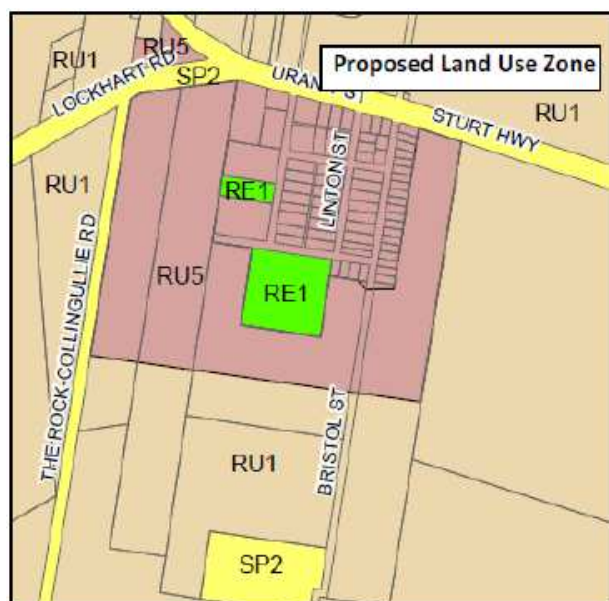


Figure 5 Proposed zoning map

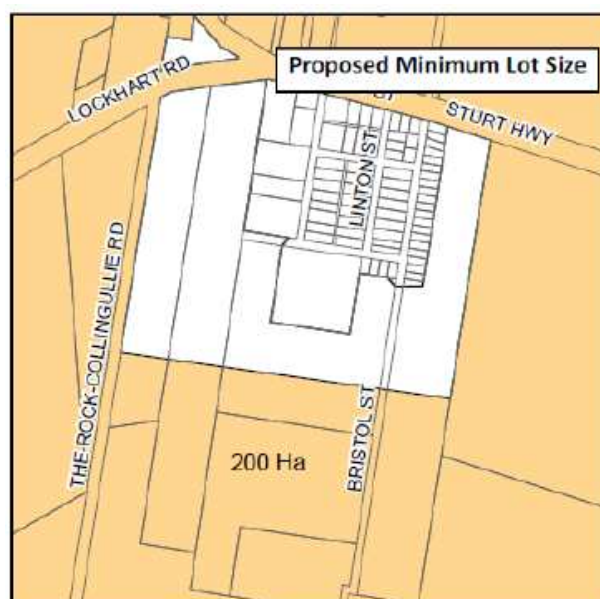


Figure 6 Proposed minimum lot size map

2 Need for the planning proposal

The planning proposal is justified strategically as the subject land is identified as a growth area in the Wagga Wagga Spatial Plan 2013-2043 (see Figure 7).



Figure 7 Extract Wagga Wagga Spatial Plan 2013 (source: Addendum to the Planning Proposal)

The Wagga Wagga Spatial Plan 2013 was endorsed by the Deputy Director General of the Department on 27 February 2014. Council's assessment and addendum to the planning proposal states *that where the planning proposal relates to the rezoning of lands identified by the Spatial Plan as a growth area for Collingullie, it is consistent with endorsed strategic planning directions.*"

The Spatial Plan provides strategic direction for the growth of rural townships and villages outside of the main urban centre of Wagga Wagga. Council noted in its Assessment Report that a large proportion of the supply of large 'lifestyle' housing lots has occurred at the southern fringe of the Wagga Wagga urban area. The Spatial Plan identified that providing opportunities for this sort of development within townships and villages nearby to Wagga Wagga would benefit both the city and surrounding communities. The redirection of housing demand to villages, including Collingullie, would provide ongoing support to these smaller communities within the local government area and increase their viability in the long term.

The applicant-submitted planning proposal incorporated much of the land identified in the Spatial Plan (Area 17) but also included an additional 20 hectares to the south (see Figure 8).



Figure 8 Extent of applicant-submitted subject land (source: Planning Proposal)

Council is of the view that the applicant-submitted planning proposal did not provide suitable justification for rezoning lands beyond the extent identified in the Spatial Plan. The applicant-submitted planning proposal stated that Area 17 of the Spatial Plan (as shown on Figure 7) is taken to be an indicative area, however Council states that the applicant's additional area represents a substantial increase in the urban footprint of Collingullie and it had concerns about extending the village beyond the nominated Spatial Plan growth area at this time. Council also raised concerns about the proximity of the additional area to the sewerage treatment plant south of the village and the potential for land use conflict with residential development. Further discussion about these concerns is provided in pages 4 and 5 of Council's Addendum to the Planning Proposal.

The applicant-submitted planning proposal also excluded lands identified in the Spatial Plan as suitable for growth in Collingullie, being Part Lot 20 DP843207 on the eastern border of Area 17 (see Figure 7). Council has indicated that Part Lot 20 is closer to the existing footprint and infrastructure of the village than the other additional lands in the applicant-submitted planning proposal and would provide for an orderly and incremental sequencing of development.

Council did not support the inclusion of additional lands to those identified in Area 17 of the Spatial Plan; however, it did support the rezoning of all the lands identified in the Spatial Plan, which included Part Lot 20 DP 843207 on the eastern side of the village.

In addition, the planning proposal states that other residential zones were investigated. Through those investigations, it was determined that the RU5 Village Zone was the best means of maintaining Collingullie's village character, whilst enabling residential development.

The proposal is considered the best means of achieving the stated objectives.

The Council's assessment is considered appropriate. It is agreed that the additional lands identified in the applicant-submitted planning proposal are not warranted at this time. The provision of potentially 150 dwelling lots (approximately 2,500m² in size) in the final planning proposal is considered a reasonable future supply. The Spatial Plan identifies that Collingullie could generate demand for 10-15 lots per annum until 2030 (potentially rising to 12-18 lots per annum after 2030). Therefore, the proposed rezoning would provide approximately 10-15 years of supply.

It is agreed that the applicant-submitted planning proposal does not provide suitable strategic or site-specific merit to warrant the inclusion of the additional lands at this time. Therefore, Council's strategic justification for the planning proposal is supported.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan (detailed assessment is provided in Section 3.2.1 of the Planning Proposal).


Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 1 – Protect the region's diverse and productive agricultural land	<p>The proposal is consistent with the Direction. The subject land is already largely fragmented. The land has been strategically identified as suitable for future urban development since 2013.</p> <p>The planning proposal identifies that buffers would need to be incorporated into any future development to minimise impacts on adjoining agricultural activities.</p> <p>The planning proposal identifies changes to the Wagga Wagga Development Control Plan to guide compatible development outcomes and manage the interface to prevent land use conflict.</p>
Direction 15 – Protect and manage the region's many environmental assets	<p>The proposal is consistent with the Direction. The subject land does not contain high environmental values. It is largely cleared and is identified as Category 1 Exempt Land under the Local Land Services Act 2016. Whilst there are some trees within the subject land, it is expected they can be adequately managed through design outcomes of the future development area.</p>
Direction 16 – Increase resilience to natural hazards and climate change	<p>The proposal is consistent with the Direction. The subject land is not identified on any bushfire or flood hazard mapping.</p>
Direction 22 – Promote the growth of regional cities and local centres	<p>The proposal is consistent with the Direction. Council's Draft Wagga Wagga Local Strategic Planning Statement (Oct 2020) and the Spatial Plan 2013-2043 identified that approximately 342-360 new dwellings are required in the local government area each year. The Spatial Plan identifies a demand in Collingullie of approximately 10-15 dwellings per annum rising to 12-18 dwellings in 2030. The Spatial Plan identified that opportunities needed to be provided for growth of towns and villages to support the orderly and economic development of the LGA and to reduce pressure on the Regional City of Wagga Wagga in providing housing supply.</p>
Direction 26 – Provide greater housing choice	<p>The proposal is consistent with the Direction. The proposal will provide additional housing choice for the broader Wagga Wagga housing market and provide opportunities for more affordable housing in reasonable proximity to the regional city.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Draft Local Strategic Planning Statement	<p>The proposal is consistent with the strategic direction of the Draft Wagga Wagga Local Strategic Planning Statement (October 2020). The Draft LSPS states that “villages will play a key role in meeting housing diversity in the local housing market”, and “opportunities for village extension and smaller rural lots around the villages will cater for new demand and interest in lifestyle-oriented rural residential housing”. Figure 9 shows the future growth area considered suitable for the Village of Collingullie in the draft LSPS.</p> <p>Collingullie</p>  <p>The map shows a rural area with a network of roads. A large area is outlined with a dashed red line, indicating the future growth area. Within this area, there are several smaller areas outlined with solid red lines. Two of these smaller areas are shaded green, representing specific land parcels or zones. The surrounding area is shaded in a light pink color.</p> <p>Figure 9 Collingullie future growth area (source: Extract from the Draft Wagga Wagga Local Strategic Planning Statement (Oct 2020))</p>
Wagga Wagga Spatial Plan 2013	<p>The proposal is consistent with the proposed growth area for Collingullie identified in the Spatial Plan as Area 17 – see discussion in Section 2 of this report for further details.</p> <p>The proposal is also consistent with other parts of the Spatial Plan, such as biodiversity protection, managing impacts on natural systems and hazards, accommodating population growth, facilitating infrastructure and other issues (see Section 3.2.2 of the planning proposal for more details).</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below (further details can be found in Section 3.2.4 of the planning proposal and on page 16 of Council's Assessment Report):

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.2 Rural Zones	No	The proposal's inconsistency is justified as it proposes to rezone an area identified in the Wagga Wagga Spatial Plan 2013 that was endorsed by the Director-General of the Department.

1.5 Rural Lands	Yes	The proposal is consistent with the Direction as it is consistent with the Regional Plan, the draft Wagga Wagga Local Strategic Planning Statement and the Secretary endorsed Wagga Wagga Spatial Plan 2013-2043.
2.1 Environment Protection Zones	Yes	The proposal is consistent with the Direction as it does not reduce the environmental protection standards that apply to the land.
2.3 Heritage Conservation	Yes	The proposal is consistent with the Direction as it does not affect items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area.
2.6 Remediation of Contaminated Land	No	<p>The Direction applies to the subject land as “agricultural activities” (the current land use) are identified as needing further contaminated land investigation.</p> <p>Council has undertaken preliminary investigations and has concluded that the subject land may not be contaminated but has identified that further investigation would be required to meet the requirements of the Direction.</p> <p>Therefore, the Gateway determination is to require Council to undertake a further investigation of the land in accordance with the contaminated land planning guidelines prior to public exhibition of the planning proposal.</p>
3.1 Residential Zones	Yes	The proposal is consistent with the Direction as it provides housing choice, uses infrastructure efficiently, provides for good design, and requires the development to be adequately serviced.
3.4 Integrating Land Use and Transport	Yes	The proposal is consistent with the Direction as it gives effect to and is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> . Specifically, the planning proposal attempts to maintain the existing compact and cohesive form of the village. Future developments will utilise existing social infrastructure, such as a central park and school (school availability subject to consultation with the Department of Education). The flexibility provided by the RU5 Village zone, provides additional opportunities for social infrastructure to be developed, such as neighbourhood shops and small commercial opportunities.
5.10 Implementation of Regional Plans	Yes	The proposal is consistent with the Direction as it is consistent with relevant parts of the Riverina Murray Regional Plan as discussed in Table 3.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
State Environmental Planning Policy No 55 – Remediation of Land	Table 1 of the Guidelines to the SEPP requires further investigation of land that has been used for agricultural uses.	Council has undertaken a preliminary investigation in accordance with Section 3.2 of the Guidelines. It investigated its contaminated land register and parts of the subject land are identified as having “pesticide” contamination. Council is of the view this may not relate to the whole lot and particularly the part of the lot contained in the subject land. Therefore, further investigation of the contamination of the site will be required as a condition of the Gateway determination to identify whether contamination exists on the site.	Yes
State Environmental Planning Policy (Infrastructure) 2007	Development consent required for development on classified road	The proposal will front a classified road, but it is not proposed to create any additional access points.	Yes

NB. The Guidelines can be accessed at https://www.environment.nsw.gov.au/resources/clm/gu_contam.pdf

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal. There are no other environmental issues of concern to be addressed.

Table 8 Environmental impact assessment

Environmental Impact	Assessment
Existing vegetation	There is limited vegetation on the site. Should the design of a future subdivision require the removal of trees, appropriate assessment would need to be undertaken under the Biodiversity Conservation Act 2016 and potential offsets provided. It is likely that a future subdivision could avoid the need for tree removal due to the nature and extent of the existing vegetation.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing provision	<p>Increased housing provision has been discussed as a positive social outcome in the planning proposal and in relation to the Riverina Murray Regional Plan directions. The Council's Assessment Report and the Wagga Wagga Spatial Plan 2013 also adequately address the need for housing provision and the potential social and economic impacts.</p> <p>There are no issues of concern relating to this issue.</p>
Reduced pressure on Wagga Wagga City to provide semi-rural lifestyle opportunities.	<p>Providing housing in towns and villages outside of Wagga Wagga City was discussed as a positive social outcome in the planning proposal and in relation to the Riverina Murray Regional Plan directions. The Council's Assessment Report and the Wagga Wagga Spatial Plan 2013 also adequately address the need for housing provision and the potential social and economic impacts.</p> <p>There are no issues of concern relating to this issue.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Sewer provision	<p>Council's Assessment Report states that the current sewerage treatment plant (STP) in Collingullie has a maximum capacity of around 250 Equivalent Tenements (ETs). It currently provides 75 ETs to the local community, leaving approximately 175 ETs available for future urban expansion of the village.</p> <p>Council has also indicated that a minimum 400 metre buffer is required between the STP and any residential development. The current proposal does not encroach into the proposed buffer area.</p> <p>Council estimates that the planning proposal would generate approximately 150 dwellings, this is within the existing STP capacity.</p> <p>There are no issues of concern in relation to sewerage treatment.</p>
Water provision	<p>The Planning proposal states that the land has access to mains water supplies, however there is no discussion around its capacity to service the additional lot yield proposed. Whilst the Wagga Spatial Plan 2013 would have consulted with Riverina County Council in 2013, a considerable amount of time has passed since its adoption. As such a condition is recommended to ensure Riverina County Council is consulted prior to finalisation.</p>

Road network	<p>The subject land has direct access to the existing road network in the village at Bristol Street, Urana Street and the western end of the Kennedy Street road reserve. Council is not supporting direct access to the classified road at the northern end of the site (and village), being Lockhart Road (providing direct access back to Wagga Wagga City).</p> <p>However, Council has identified that consultation with Transport for NSW will be undertaken to determine whether there are any impacts on to the classified road to the north. This is supported and has been reinforced through a condition on the Gateway determination.</p> <p>There are no issues of concern in relation to roads and traffic.</p>
Social Infrastructure	<p>The planning proposal identifies the increase in population will have access to existing social infrastructure, such as a roadhouse and shop, community oval and a public school.</p> <p>Further investigations suggest that the existing Collingullie Primary School has closed. The additional population may not have access to the school. While the Department of Education was consulted on the Wagga Wagga Spatial Plan 2013, given the time elapsed since its adoption and ensure that impact of future development on the local school has been fully considered, consultation with the Department of Education has been conditioned.</p> <p>In addition to the above, currently Collingullie is made up dwellings, a roadhouse, pub and community oval. The flexibility provided through the proposed RU5 Village zone, is able to provide opportunity for additional services (i.e small shops) to move into the area to support the increased population.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate , and forms to the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal. It identifies consulting with the Biodiversity Conservation and Science Team and Crown Lands Team of the Department of Planning, Industry and Environment, and Transport for NSW.

It is recommended the following agencies be conditioned to be consulted on the planning proposal and given 21 days to comment:

- Department of Education
- Transport for NSW
- Riverina Water County Council

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 15 months to ensure it is completed in line with its commitment to reduce processing times. This timeframe also provides time for the additional contaminated land assessment to be completed, as well as the master planning exercise Council intend to undertake and be incorporated into the planning proposal prior to public exhibition.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is strategically identified and there are no issues of concern the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- There are no issues of concern with the proposal.
- The existing village is well placed to accommodate additional urban growth.
- The proposal, as amended by Council, is suitable to progress.

Based on the assessment outlined in this report, the following additional investigation is to be undertaken and the proposal must be updated before consultation to incorporate its findings:

- Undertake a Site Investigation Process to determine whether the site contains land contamination. This process is to be undertaken in accordance with the *Planning Guidelines SEPP 55 – Remediation of Land (1998)*.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.2 Rural Lands is justified, and
- Note that the consistency with section 9.1 Directions 2.6 Remediation of Contaminated Land is unresolved and will require justification.

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

1. Prior to community consultation, undertake a Site Investigation Process in accordance with the *Planning Guidelines SEPP 55 – Remediation of Land (1998)* to determine whether the site contains land contamination. The planning proposal is to be updated to incorporate the findings of the Site Investigation Process prior to community consultation.
2. Consultation is required with the following public authorities:
 - Department of Education
 - Transport for NSW
 - Riverina Water County Council

3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



_____(Signature)

_____19/01/2021_____(Date)

Haydon Murdoch
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