

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

Against the Motion

Y Braid OAM
G Conkey OAM
P Funnell
D Hayes
V Keenan
T Koschel
K Pascoe
D Tout

Councillor R Kendall re-entered the chamber, the time being 7.26pm.

RP-2 PLANNING PROPOSAL - LEP20/0006 - CURRAWANG DRIVE - AMENDMENT TO LAND ZONING AND MINIMUM LOT SIZE OF THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010

21/068 RESOLVED:

On the Motion of Councillors R Kendall and K Pascoe

That Council:

- a support planning proposal LEP20/0006 to amend the Wagga Wagga Local Environmental Plan 2010 land zoning and minimum lot size**
- b prepare an addendum to the application to expand the change in minimum lot size as identified in the report to**
- c submit the planning proposal with Council's addendum to the NSW Department of Planning, Industry and Environment for Gateway Determination**
- d prepare a Development Control Plan amendment to be exhibited alongside the planning proposal to address relevant matters**
- e receive a further report after the exhibition period addressing any submission made in respect of the planning proposal**

CARRIED

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RP-2 **PLANNING PROPOSAL - LEP20/0006 - CURRAWANG DRIVE - AMENDMENT TO LAND ZONING AND MINIMUM LOT SIZE OF THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010**

Author: Crystal Atkinson

Director: Michael Keys

Summary:

Council is in receipt of a planning proposal to rezone land from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 200 hectares to 2 hectares for 39 Currawang Drive, Springvale.

The recommendation is to support the planning proposal and expand the reduction of minimum lot size to a broader precinct to acknowledge the existing lot size pattern. If endorsed, the planning proposal, with Council's addendum will be submitted to the NSW Department of Planning and Environment for Gateway Determination.

Recommendation

That Council:

- a support planning proposal LEP20/0006 to amend the Wagga Wagga Local Environmental Plan 2010 land zoning and minimum lot size
- b prepare an addendum to the application to expand the change in minimum lot size as identified in the report to
- c submit the planning proposal with Council's addendum to the NSW Department of Planning, Industry and Environment for Gateway Determination
- d prepare a Development Control Plan amendment to be exhibited alongside the planning proposal to address relevant matters
- e receive a further report after the exhibition period addressing any submission made in respect of the planning proposal

Application details

Submitted planning proposal:

Council is in receipt of a planning proposal (LEP20/0006) to rezone land at 39 Currawang Drive, Springvale from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size provisions from 200 hectares to 2 hectares.

Applicant:

Aaron De Jong

Land Owners:

Refer to confidential attachment

Proposal

Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP) to:

1. Rezone land from RU1 Primary Production to R5 Large Lot Residential
2. Reduce the minimum lot size from 200 hectares to 2 hectares

The purpose of the planning proposal is to provide subdivision opportunities for land adjoining an existing large lot residential area. The land is located directly west of the Springvale large lot residential area and is currently zoned RU1 Primary Production and used for agricultural purposes.

The proposal area is approximately 40 hectares and will create an opportunity for approximately 16 large lot residential lots.

The changes proposed in the application will be achieved by amending the land zoning and minimum lot size maps to reflect the outcomes shown in figures 1 and 2 below.

LEP20/0006 - Proposed Land Zoning

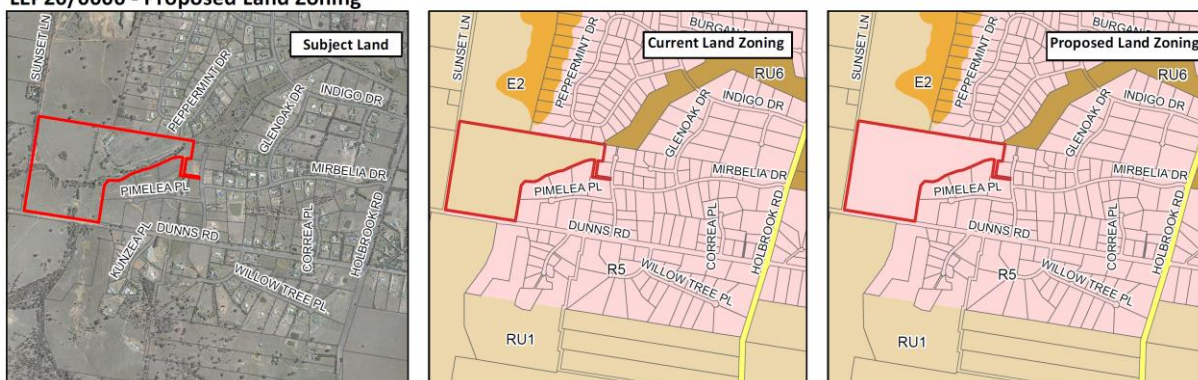


Figure 1: Proposed Land Zoning Changes

LEP20/0006 - Proposed Lot Size (Application)

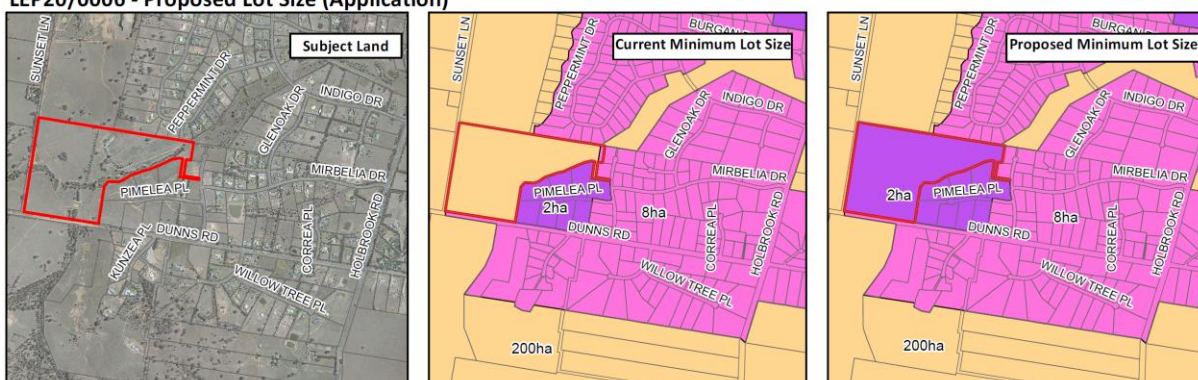


Figure 2: Proposed Minimum Lot Size Changes

Recommended amendments

An assessment of the large lot residential precinct north of Dunns Road where an 8-hectare minimum lot size provision is applied shows the lot sizes to be predominantly 2 hectares. The lot size breakup of the precinct is shown in figure 4 and consists of the following:

- 59 lots less than 2 hectares – no subdivision potential
- 17 lots less than 3 hectares – no subdivision potential
- 2 lots less than 4 hectares – no subdivision potential
- 1 lot greater than 4 hectares – potential for 1 additional lot

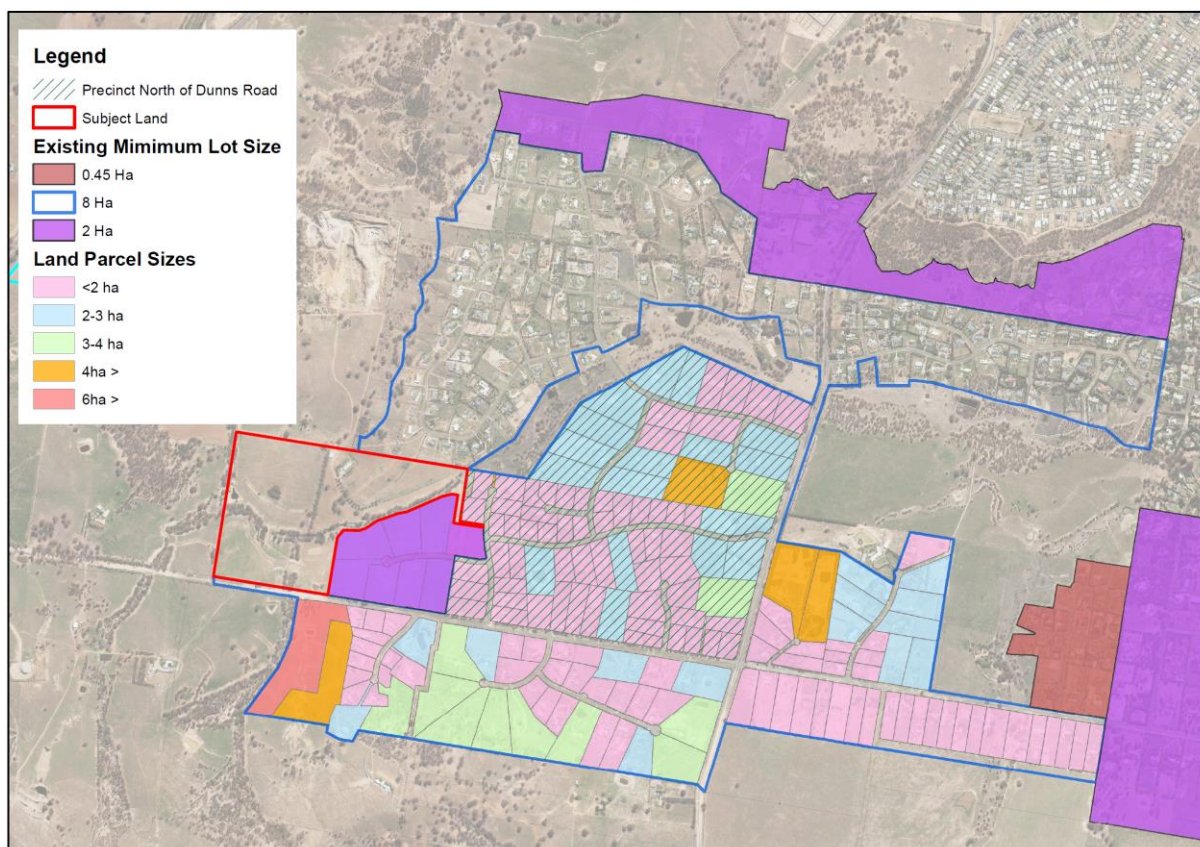


Figure 4: Lot size assessment

Based on the existing lot pattern, available services, and character of the area, it is proposed to expand the proposed reduction in minimum lot size to the precinct north of Dunns Road as shown in figure 5. Expanding the 2-hectare minimum lot size to this location will acknowledge the existing lot size pattern of the area.

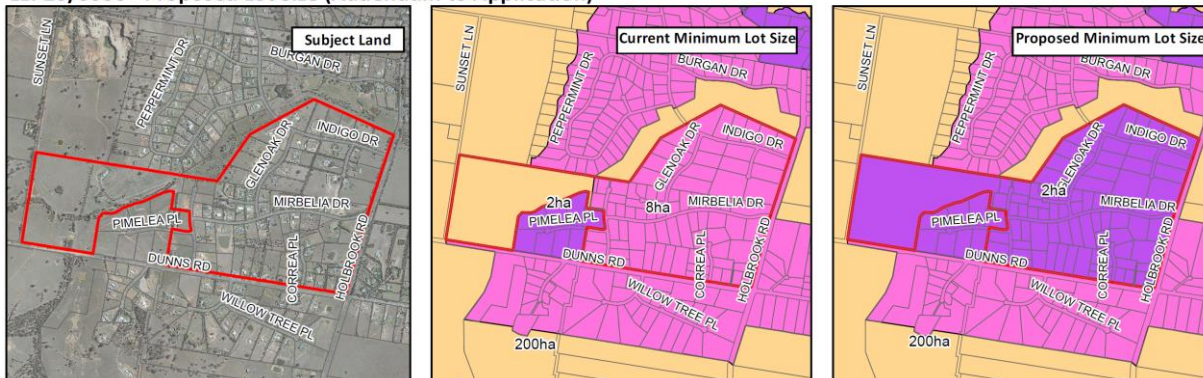
Whilst there may be merit in considering a lot size smaller than 2 hectares, it is considered premature at this stage given the existing vegetation, natural hazards and land constraints and the sites distance from other existing suburbs of Lloyd and Bourkelands that contain smaller lot sizes. This area benefits from expansive environmental protection areas that provide corridors for habitat. Retaining larger lot sizes will help protect the environmental values within this area.

Further intensification to lots less than 2-hectares will require further detailed analysis of infrastructure capacity for a broader precinct. Given the applicant is proposing lot sizes of 2-hectares that utilise existing infrastructure, it is not considered appropriate to delay the proposal to undertake detailed analysis of infrastructure capacity to support a smaller lot size. In addition, the current treatment of Dunns Road limits the ability for the corridor to accommodate intensification of lots less than 2-hectares until significant grading and sealing is undertaken. Upgrades to Dunns Road are proposed, however, the full details are not yet known.

Progressing with a minimum lot size of 2-hectares will not result in significant changes to the existing lot pattern and can allow for consideration of smaller lot size in the future if appropriate.

The precinct south of Dunns Road has slightly different lot size pattern and could be considered as part of a separate proposal.

LEP20/0006 - Proposed Lot Size (Addendum to Application)

**Figure 5:** Proposed expansion of minimum lot size amendments

Site and Locality

The site is located north of Dunns Road and is a direct extension of the Springvale large lot residential area. The site will form part of the southern fringe large lot residential area.

Key Considerations

The planning proposal has been assessed against Council's strategies, policies and guidelines, the NSW Department of Planning, Industry and Environment's *Guideline for preparing planning proposals* and the Ministerial Directions. The key considerations are identified below and the full assessment report is provided as attachment 2.

1. Council's Vision or Strategic Intent

There is general support for the planning proposal in both local and regional policies.

- Riverina Murray Regional Plan 2036

The Riverina Murray Regional Plan 2036 (RMRP) outlines goals to both protect the region's diverse and productive agricultural land and promote the growth of regional cities and local centres.

Whilst the planning proposal intends to rezone land currently zoned RU1 Primary Production, the opportunities to pursue viable agricultural uses are limited due to the character and size of the lot and its proximity to an existing large lot residential precinct.

The proposal will promote the growth of regional cities and local centres by increasing the supply of housing within the city.

- Wagga Wagga Spatial Plan 2013-2043

While the Wagga Wagga Spatial Plan 2013-2043 (Spatial Plan) has been replaced with the Wagga Wagga Local Strategic Planning Statement – Wagga Wagga 2040 (LSPS), it is considered as the application was lodged prior to the LSPS being adopted on 8 February 2021.

The land was not identified for 'potential intensification' in the Spatial Plan, however, is located adjacent to an area identified for 'potential intensification' and partially located within an area identified as 'potential urban land'.

The plan seeks to identify sites suitable for redevelopment and investigate the potential to concentrate development to infill sites to accommodate future growth and that development is to occur in liaison with infrastructure providers to ensure efficient and cost effective provision of services. The proposal is consistent with this.

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 beyond 100,00 people. To accommodate this growth, the city will need to accommodate an additional 14,000 homes.

The supply of residential land was considered in the plan that identified there was approximately 426 hectares of urban release area. At a density pattern of 8 dwellings per hectare, the plan identified that this land could accommodate an additional 3,500 dwellings and the greenfield areas would be able to accommodate 10 years of supply of housing at the projected growth rate. This planning proposal will contribute to increasing our supply of housing.

- Wagga Wagga Local Strategic Planning Statement – Wagga Wagga 2040

At the time the application was lodged, the LSPS was being developed, but had not yet been on public exhibition. Since the application was lodged, public exhibition of the LSPS occurred and the plan was adopted on 8 February 2021.

The planning proposal did not need to address the LSPS, but an assessment of consistency with key themes and priorities is provided in this assessment.

Consideration of areas not identified for growth:

The LSPS provides opportunities for consideration of areas not identified for growth in the plan and any proposal is to address the principles of the LSPS including service provision, accessibility, and connectivity.

For the purposes of this proposal, this assessment addresses this.

Connected and accessible city:

Connectivity across the city supports an attractive lifestyle through reduced travel time and congestion. In the LSPS the objective is to direct greenfield development to identified growth areas integrated into transport networks and enabling infill development near key locations of the city.

Whilst development in this location is not an identified greenfield development area or infill within proximity to key service, it is a direct extension of an existing large lot residential area and within a 15-minute drive of the CBD.

Growth is supported by sustainable infrastructure:

Development in this location will make use of existing infrastructure services.

Protect and enhance natural areas and corridors:

The planning proposal is accompanied by an initial biodiversity assessment where it concludes that *'one endangered ecological community occurs within the proposal area and a number of threatened species may potentially occur in the proposal area and based on preliminary design concept, a significant impact to threatened species or ecological communities, or their habitats is considered unlikely'*.

The planning proposal indicates that the *Biodiversity Conservation Act 2016* thresholds will be exceeded, and a Biodiversity Development Assessment Report (BDAR) will be required as part of any future development application. The biodiversity assessment provided concludes that exceedance of thresholds could be avoided removing the need for a BDAR assessment.

Manage growth sustainably:

The initial biodiversity assessment provided with the planning proposal concludes that significant impacts to threatened species or ecological communities, or their habitats is considered unlikely and that development can avoid triggering the requirement for a BDAR by avoiding wooded vegetation including paddock trees.

Provide for a diversity of housing that meets our needs:

While large lot residential development is to be restricted on the fringe to support future investigation of expansion reliant on infrastructure capacity, the proposal has indicated adequate infrastructure capacity is available to support the proposal. The southern fringe of the city has expansive areas of large lot residential development and while desirable for many residents, this style of development complicates service delivery, transport planning and future development patterns. Development of additional large lot residential lots in this location is a direct extension of an existing large lot residential precinct and will increase supply of this type of housing in a location that is not restricting future growth potential.

Increase resilience to natural hazards and land constraints:

The site has an overland flow path running from the north-eastern corner to the southern boundary of the site. This risk can be managed through subdivision design.

2. Infrastructure

- Stormwater

A hydrology report accompanies the planning proposal assessing the drainage system of the subject area. The report provides comparison of the existing and developed land conditions in terms of peak flow rate and time of concentration. These comparisons show peak flow rate to be higher for the developed case, whereas the time of concentration is lower for most of the cases due to the impervious ratio increasing as a result of development leading to higher runoff coefficient and consequently higher flow rate. The report indicates that the higher flow rate means higher velocity of flow and less time of concentration needed for overland rainfall to flow through the path distance and when flow path distances increase after construction, a longer time of concentration is likely to occur.

A stormwater management strategy will need to accompany any development application addressing the final subdivision layout.

- Water

The application has indicated that reticulated water supply will be provided to the development with potential for restrictions to apply to some lots based on elevation.

During public exhibition, it is proposed to consult with Riverina Water County Council on the provision of water and potential restrictions identified.

- Sewer

The planning proposal indicates that the existing sewer network has capacity to accommodate the proposed development and augmentation of sewer infrastructure will be funded by the developer.

- Utilities

Electricity, gas, and telecommunications services are available to the subject site.

- Traffic

Access to the site is limited due to existing lot layouts on Currawang Drive and Pimelea Place. The preferred option is to extend the Pimelea Place cul-de-sac to the subject site, however, it is acknowledged that land acquisition may be challenging to achieve this.

The next option is to have direct access to Dunns Road, noting the proposed upgrades scheduled and funded for Dunns Road. The access location will need to be located away from crests on Dunns Road to ensure adequate site distances for all traffic. The preferred access location is to be located at the eastern end of the site's frontage to Dunns Road if this option is pursued.

Access will be specified as objectives and controls in a precinct section of the DCP for this site.

3. LEP Provisions

- Exiting provisions

The site is currently zoned RU1 Primary Production with a minimum lot size of 200 hectares. Whilst the site is below the current minimum lot size, there is a dwelling located on the lot.

The current use of the land is rural.

- Proposed provisions

The proposed changes to the LEP will enable the subdivision of the site into approximately 16 lots.

4. Development Control Plan

- Existing controls

Development of the subject site is currently undertaken in accordance with the rural provisions of the Wagga Wagga Development Control Plan 2010.

The proposed R5 Large Lot Residential area will trigger application of section 5.3 of the DCP which specifies native vegetation requirements. This section applies to land where the lot size is greater than 0.2 hectares. The minimum lot size proposal of 2 hectares will allow adequate site area to address native vegetation planting requirements.

- Master plan / site specific controls?

Given the access requirements, it is proposed to prepare site specific provisions for the DCP to be exhibited alongside the planning proposal.

Financial Implications

In accordance with Council's 2020/2021 Fees and Charges, a Major LEP Amendment has a total application fee of \$44,000.00. The proponent has paid these fees.

It is anticipated that the LEP amendments will result in new development on the subject land in the future. This has financial implications for Wagga Wagga City Council.

Section 7.11 of the *Environmental Planning Assessment Act 1979* and Council's contributions plans enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

Section 64 of the *Local Government Act 1993*, Section 306 of the *Water Management Act 2000* as well as Council's development servicing plans enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The contribution and development servicing plans will apply to any future development of the land.

Policy and Legislation

Environmental Planning and Assessment Act 1979
Wagga Wagga Local Strategic Planning Statement – Wagga Wagga 2040
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

The planning proposal has been assessed and it is recommended it be submitted to NSW Department of Planning, Industry and Environment for Gateway Determination. If issued, the determination will require public and agency consultation. Consultation may highlight issues not evident during the assessment.

Internal / External Consultation

Formal public consultation with agencies, adjoining landowners and the general public will occur if Gateway Determination is received.

An engagement plan for the planning proposal is attached to this report (attachment 3).

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
TIER																	
Consult		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	

Attachments

1. LEP20/0006 - Application to amend Wagga Wagga Local Environmental Plan 2010 - Provided under separate cover
2. LEP20/0006 - Assessment Report - Provided under separate cover
3. Engagement Plan - Provided under separate cover

4. Land Owner Details

This matter is considered to be confidential under Section 10A(2) of the Local Government Act 1993, as it deals with: personnel matters concerning particular individuals. - Provided under separate cover