



Planning,
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IRF21/4713

Gateway determination report – PP-2021-6528

Gregadoo Road / Blackbutt Road / O'Learia Place,
Lake Albert, Wagga Wagga

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Gregadoo Road Mastroianni – Assessment Report
Agenda and Minutes – 8 November 2021 PP-2021-6528
Addendum and Proposal PP-2021-6528

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	City of Wagga Wagga
PPA	Wagga Wagga City Council
NAME	Minimum Lot Size amendment at Gregadoo & Blackbutt Roads and O'Learia Place, Lake Albert
NUMBER	PP-2021-6528
LEP TO BE AMENDED	Wagga Wagga Local Environmental Plan 2010
ADDRESS	2 - 8 Gregadoo Road, 30 – 44 Blackbutt Road and 1-12 and 15 to 21 O'Learia Place, Lake Albert
DESCRIPTION	Lots 7 - 10 DP5944448, Lots 11 & 12 DP586511, Lot 1 DP582808, Lot 15-33 DP1127002
RECEIVED	15/11/2021
FILE NO.	IRF21/ 4713
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

1.2 Objectives of planning proposal

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

The objective of the planning proposal is to:

- Amend the minimum lot size provisions for 2-8 Gregadoo Road, 30-44 Blackbutt Road, and O'Learia Place, Lake Albert from 2 ha to 0.5 ha.

The objective of this planning proposal is clear and adequate.

1.3 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
Minimum lot size	2ha	0.5ha

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

1.4 Site description and surrounding area

The subject land is located in Lake Albert, a south eastern suburb of Wagga Wagga about 14-minute drive from the city's CBD. Access to the site is provided by Lake Albert Road and Main Street connecting the site to the Sturt Highway. The site area is currently zoned R5 Large Lot Residential and to the south adjoins land zoned RU1 Primary Production. The adjoining RU1 land appears to be used for crops and agricultural purposes. The subject land is identified to have biodiversity values over much of the site as well as some overland flow flooding (refer to Figure 3). The subject site is gently sloping and there is a TransGrid electricity easement east of the site.

The planning proposal does not clearly articulate what properties form part of the amendment. While the subject land mapping is sufficient, the planning proposal must be updated prior to public exhibition to clearly articulate the property addresses and lot & DP details. This amendment should be made within the Council Addendum at the front of the planning proposal.



Figure 1 Addendum Subject land (source: ePlanning Spatial Viewer)



Figure 2 Site context (source: ePlanning Spatial Viewer)

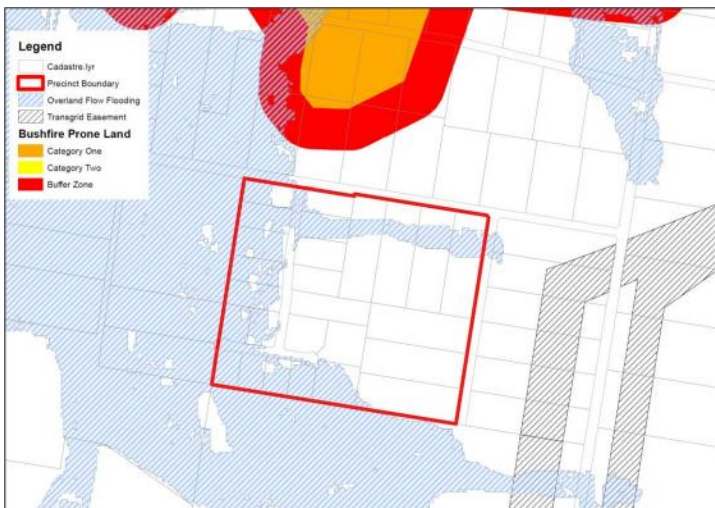


Figure 3: Overland flow flooding and bushfire prone land. (source: Report submitted in Council's Agenda and minutes)

1.5 Mapping

The planning proposal includes mapping which shows the proposed changes to the LSZ maps, which are suitable for community consultation.

The proposal includes an amendment to the LSZ_004G map. The maps included in the proposal are deemed acceptable for exhibition.

The planning proposal contains maps which adequately identify the subject site.



Figure 4 Current lot size map (source: Report submitted in Council's Agenda and minutes)



Figure 5 proposed lot size (source: Report submitted in Council's Agenda and minutes)

1.6 Background

- The planning proposal was originally submitted by the applicant to Council to amend 7 lots at 1-8 Gregadoo Road and 30-44 Blackbutt Road, which didn't originally include the O'Leiria Place lots (see Figure below).



Subject land extent of original planning proposal (source: planning proposal submitted to council – not including O'Leiria)

- However, upon review, Council included an addendum to the planning proposal to include the lots within the O'Leiria Place subdivision.
- Council considered the existing development patterns and land constraint/opportunities and resolved to expand the extent of the amendment to consider the minimum lot size controls for the wider precinct.
- The site area is about 30ha and there are 26 lots and dwellings currently in this area. The proposal may result in an additional 20 lots depending on lot design and configuration.

2 Need for the planning proposal.

As stated above in section 1.6 of this report the applicant's original proposal did not include land within O'Learia Place. Council's addendum includes additional justification, state and commonwealth interest, mapping, community consultation and a project timeline. The proposal does not include a change to the zoning of the subject land. The proposed minimum lot size is consistent with the objectives of the current R5 large lot residential zoning. The proponent states that the potential subdivision pattern envisaged by this proposal will be consistent with the existing surrounding lot pattern, the land can be serviced, and will maintain the character of the area.

Council's report acknowledges that the proposed changes could potentially result in an additional 20 lots being developed across the subject land.

In the Rural Residential Supply and Demand Report undertaken in preparation for the original planning proposal, confirms the appropriateness of the proposal. The Report indicates the proposal will meet some of the demand for a small lot size, similar to the development seen to the west of O'Learia Place and surrounding areas to the north of the subject site. The Report supports the reduction of the lot size to 0.5ha as it will help balance the current supply and demand for this housing product.

An alternative option would be for Council to first undertake further land use strategy work to investigate more broadly housing requirements for Wagga Wagga LGA and strategically plan for where residential infill should occur. However, Council resourcing has hampered the development of such strategic work. In the absence of a housing strategy, Council has relied on the Wagga Wagga LSPS's recommendations to support residential infill and resolved to expand the extent of this planning proposal to include the wider precinct, rather than amend planning controls for an isolated lot.

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 2036.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 22: Promote the growth of regional cities and local centres	Wagga Wagga is identified as a regional city in the regional plan and in direction 22 the availability of land for development is seen as an opportunity to influence future population growth patterns. The proposal will increase the ability to subdivide and create a higher density development. The proposal is consistent with this direction.
Direction 25: Build Housing Capacity to meet demand	The direction identifies the need for greater diversity of housing especially large lot residential housing in existing urban areas to take advantage of already established services and infrastructure. The direction suggests council should develop strategies and studies on the need for housing and the planning for a range of housing options. The Council stated that a housing strategy will be prepared in the future.

Direction 26: Provide greater housing choice	The direction is mainly targeted towards affordable housing, workers accommodation and senior housing. The proposal allows the ability for greater housing options and increased density of the area allowing better access to services for more people. The proposal is consistent with the direction.
Direction 27: Manage Rural Residential Development	The subject land is currently zoned R5 Large Lot Residential. The proposal is increasing the density of the area, allowing for a greater diversity of housing type, assisting with the increasing demand for large lot residential housing. The proposal is consistent with the direction.

3.2 Local

The proposal states that it is consistent with the Local Strategic Planning Statement, as stated in the table below:

Table 5 Local strategic planning assessment

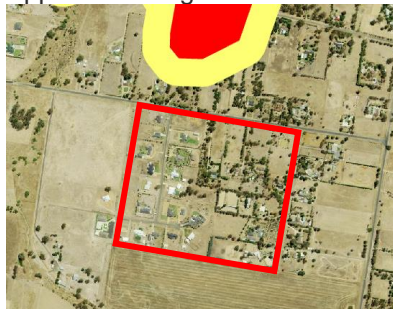
Local Strategies	Justification
Local Strategic Planning Statement	<p>The Vision of the LSPS focuses on choice of housing. Priority 10 of the LSPS centres around providing housing diversity that meets the needs of the local government area. The need for more diverse and affordability housing is highlighted through the document. The proposal proposes a solution in lowering the lot size to allow the option to later subdivide creating a higher density of housing with access to servicing.</p> <p>The planning proposal is not a direct result of the Wagga Wagga Local Strategic Planning Statement however, it is generally supported by the LSPS given it supports increasing the density of existing lifestyle areas in the south of the city which will provide additional housing opportunities such as diversity, affordability and liveability. A key priority and action in the Local Strategic Planning Statement is to develop a housing strategy, although timeframes and funding have not been determined.</p>

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.6 Remediation of Contaminated Land	Consistent	The planning proposal is consistent with this Direction due to the subject area not being known to or suspected to be potentially contaminated. The land is to remain zone R5 Large lot residential and detailed contamination assessment may be required as Development Application stage.

3.1 Residential Zones	Consistent	<p>This Direction applies as the planning proposal is affecting land in an existing residential zone. The proposal is consistent with this Direction as it will facilitate housing development in an area with access to infrastructure and services whilst following already existing lot pattern and character of area.</p>
3.4 Integrating Land Use and Transport	Consistent	<p>This Direction applies due to the reduction of the lot size for residential uses. The proposal is consistent as it utilises already existing zoned residential land and will not place undue demand on road infrastructure.</p>
4.3 Flood Prone Land.	Inconsistent	<p>This Direction applies as the planning proposal is altering a provision that affects flood prone land.</p> <p>The planning proposal is inconsistent with this Direction given it is permitting a higher dwelling density. The planning proposal states it is justifiably inconsistent on the basis the flooding is minor.</p> <p>The site is subject to an overland stormwater flow path. Council advise that flood risk can be managed through subdivision design.</p> <p>The flooding affectation is only for a small portion of the subject site to the north and west of the site. The depth levels for the site are less than 0.15m. The lots within O'Learia Place are the most affected land but due to the existing lot size (refer in Figure 3- lot assessment in the addendum) Council considers the risk as minor. The proposed 5000m² minimum lot size in this area may provide opportunity for only an additional 2 residential lots.</p> <p>It is recommended that Council consult with DPIE – EES with regard to flooding to confirm the planning proposal's statement that the flooding is minor in nature and of minor significance.</p>
4.4 Planning for Bushfire Protection	Consistent	<p>The land is near but outside the bushfire mapping buffer area (see Figure below). Council may further consider bushfire risk at the Development Application stage.</p> 

5.10 Implementation of Regional plans	Consistent	The Direction applies to all planning proposals. The proposal is consistent with the Direction (see discussion in Section 3.1 of this report).
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3.4 State environmental planning policies (SEPPs)

The planning proposal identifies SEPPs that are relevant to the proposal and provides assessment of its consistency with the SEPPs on page 8 of the original planning proposal.

The planning proposal is not inconsistent with any of the objectives within the SEPPs identified in the planning proposal. The specific controls and provisions in each of the SEPPs are not relevant to determining the strategic merit of the planning proposal and may be considered as part of any future development applications on the land.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Terrestrial Biodiversity and Riparian land	<p>The subject land is environmentally sensitive as it is identified as 'biodiversity' on the Terrestrial Biodiversity Map in the Wagga Wagga Local Environmental Plan 2010. The development of the land can be managed to preserve and avoid significant impact on threatened species, ecological communities and their habitats. The planning proposal states that future development will be designed and managed to avoid impacts on biodiversity.</p> <p>On this basis, consultation with DPIE-EES, Biodiversity, Conservation and Science Directorate is recommended to verify that future development is able to avoid biodiversity impacts. DPIE -EES is asked to comment on the ability of the land to be successfully developed with the proposed reduction of minimum lot size without affecting or impacting existing biodiversity. Understanding the full impact on biodiversity will remain unresolved until this consultation has occurred.</p>
Overland Flow Flooding	<p>The site is subject to an overland flow path resulting in flooding impacts. However, it is considered that any flood risk can be managed through subdivision design. This is discussed in this report, refer to section 9.1 Flood Prone land in Table 6 above with consultation with DPIE – EES being recommended.</p>
Bushfire Prone land	<p>The bushfire prone land and buffer area is not directly on the subject site. If needed this can be assessed in the potential future Development Application stage. Refer to section 9.1 Direction in Table 6 above.</p>

4.2 Social and economic

The proposal will provide the following social and economic benefits:

- Increase in housing supply and choice to help attract and retain population to support growth.
- Add to the supply of a higher density, large lot residential housing.

4.3 Infrastructure

The planning proposal indicates that infrastructure and services will be able to be adequately provided to the subject land. The subject site is located within reticulation networks of essential services and also is accessible to community infrastructure including schools, shopping centres, open space/recreation areas and other institutional facilities.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms a condition on the Gateway determination.

5.2 Agencies

The proposal does not specifically identify whether agencies will be consulted.

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

- DPIE – Environment, Energy and Science to further clarify any biodiversity issues that may result from the additional density being proposed.
- DPIE - Environment, Energy and Science – Environmental Water and Floodplains

6 Timeframe

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

The Department supports a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times.

7 Local plan-making authority

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

As the site/planning proposal is local and low risk nature 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:

- The planning proposal provides social and economic benefits through the form of housing supply and lifestyle living
- The proposal facilitates development that conforms and supports existing services and infrastructure
- The proposal is relevant and consistent with the LSPS, Regional Plan, and SEPPs

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.3 Flooding will require consultation with DPIE – EES with regard to flooding.

It is recommended that agency consultation occur during public exhibition to resolve this inconsistency. 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, the planning proposal must be amended to clearly articulate the extent of the land to which this proposed Local Environmental Plan amendment applies including a locality map, property addresses, Lot and Deposited Plan numbers.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - DPIE – Environment, Energy and Science – Biodiversity, Conservation and Science Directorate.
 - DPIE - Environment, Energy and Science – Environmental Water and Floodplains.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's Standard Technical Requirements for Spatial Datasets and Maps' 2017.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.



 (Signature)

14 December 2021

(Date)

Wayne Garnsey

Manager, Western Region



 (Signature)

14 December 2021

(Date)

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