



IRF22/1361

## Gateway determination report – PP-2022-1445

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Minimum Lot Size Amendment – Cleek Street and  
Thomas Street Currawarna, Wagga Wagga

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Council agenda and minutes - 21 March 2022_PP-2022-1445
LEP21.0004 - Currawarna - Assessment Report_V1_PP-2022-1445
46 Cleek St, Currawarna - Application to Amend a Local Environment Plan (1) V1_PP-2022-1445

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>LGA name</b>
<b>PPA</b>	Wagga Wagga City Council
<b>NAME</b>	Wagga Wagga Local Environmental Plan 2010 minimum lot size amendment – 200 hectares (ha) to 2 hectares (ha) for lots on Cleek Street and Thomas Street Currawarna 2650
<b>NUMBER</b>	PP-2022-1445
<b>LEP TO BE AMENDED</b>	Wagga Wagga Local Environmental Plan 2010
<b>ADDRESS</b>	46 & 60 Cleek Street, and 15 Thomas Street, Currawarna 2650
<b>DESCRIPTION</b>	Lot 146 DP750832, 46 Cleek Street; Lot 145 DP750832, 60 Cleek Street; and Lot 144 DP750832, 15 Thomas Street
<b>RECEIVED</b>	29/04/2022
<b>FILE NO.</b>	IRF22/1361
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose, and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	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 objectives of the planning proposal are to:

- amend the Wagga Wagga Local Environmental Plan 2010 (LEP) by reducing the minimum lot size from 200 ha to 2 ha for Lot 146 DP750832, 46 Cleek Street; Lot 145 DP750832, 60 Cleek Street; and Lot 144 DP750832, 15 Thomas Street; and
- create an opportunity for a dwelling to be considered on the sites and recognise the current subdivision pattern and lot configuration of the area.

The objectives of this planning proposal are clear and adequate. Only the minimum lot size is proposed to be changed from 200 ha to 2 ha.

## 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	200 ha	2 ha

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved on pages 1 – 3. The intended development outcomes for the proposal are to enable opportunities for dwellings to be considered on the proposed sites in line with the existing lot size arrangement of the streets and rural character.

The original planning proposal application received by Council from a proponent residing in Currawarna Village is for Lot 146 DP750832, 46 Cleek Street, Currawarna, seeking an amendment of the LEP minimum lot size from 200 ha to 2 ha to enable an erection of a dwelling on the site. Supporting documentation to that effect is included in the application package. However, Council is proposing an addendum to the original planning proposal to incorporate two additional lots—Lot 145 DP750832, 60 Cleek Street and Lot 144 DP750832, 15 Thomas Street—based on an assessment of the existing lot size conformation of Cleek Street, Currawarna. These three lots on the immediate northern boundary of the existing Currawarna Village, which are the subject of this planning proposal, are approximately 2 ha each as shown in Figure 1 and further described in section 1.4. It is the Council’s intention that the proposed extension of the planning proposal to include the two additional lots will achieve broader outcomes in terms of (a) appreciating the subdivision and lot configuration of the area, and (b) providing opportunities for a dwelling to be considered on the sites. Thus, this review and assessment considers jointly the three lots for a Gateway determination.

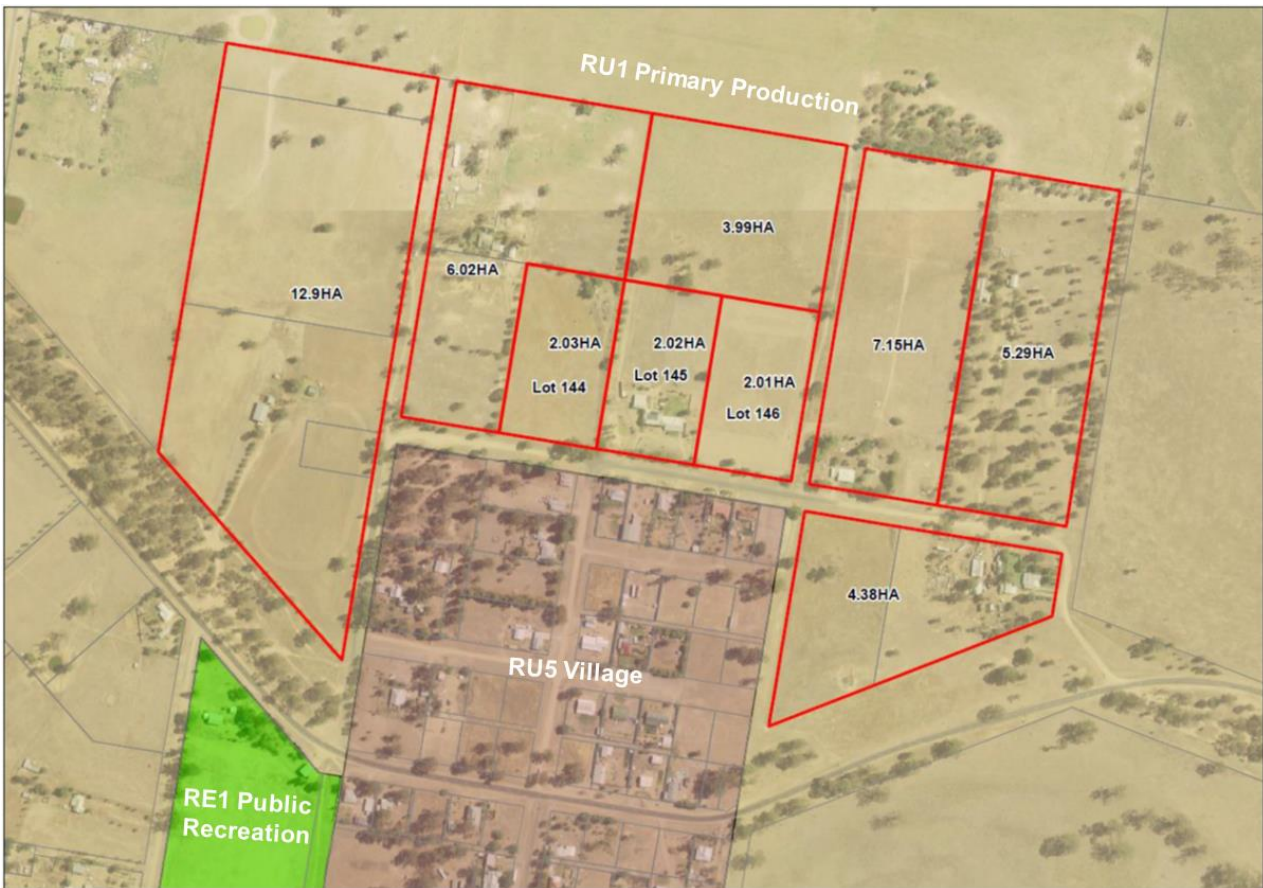
This will be a map only amendment to change LEP map LSZ-001B from 200 ha to 2 ha for the subject land.

## 1.4 Site description and surrounding area

The subject sites (Lots 146, 145, and 144, DP750832), located in a rural village of Currawarna 30 km north west of Wagga Wagga NSW, are currently zoned RU1 Primary Production and have a combined area of 6.06 ha. The sites display a large lot area spread across similar lot sizes (not exceeding 2.05 ha) with a rural character. South of the sites, directly across the road, are RU5 Village residential subdivision lots with constructed dwellings (Figure 1).

Of the three sites which have been largely cleared, only Lot 145 has an existing dwelling on it. This proposal acknowledges this existence and recommends a logical extension of same to Lots 144 and 146 in such that a dwelling be considered on both lots, which will result in two dwellings being developed, and consolidating on the subdivision lot configuration and character of the area. It is noted that none of the lots surrounding the subject sites are remotely close to the 200 ha minimum lot size of the land use zone under the current Wagga Wagga LEP provisions (see Figure 1).

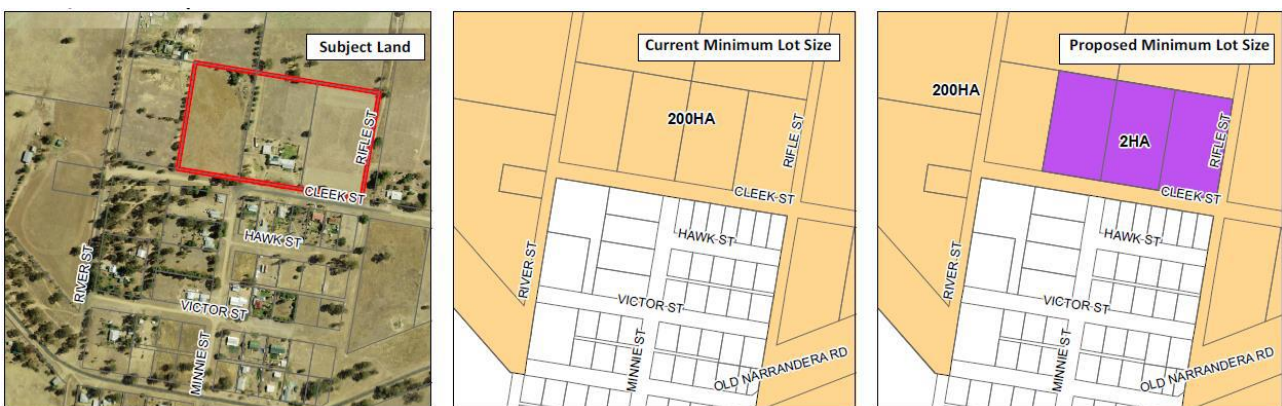
Desktop investigations identify no environmental constraints for the sites.



**Figure 1 Existing land use and lot size assessment (source: adapted from Wagga Wagga City Council planning proposal assessment report with minor modification to reflect the existing land use context)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the minimum lot size maps, which are suitable for community consultation.



**Figure 2 Current minimum lot size map (LSZ-001B) and proposed minimum lot size map (source: adapted from Wagga Wagga City Council planning proposal assessment report)**

## 2 Need for the planning proposal

The planning proposal is not a result of any strategic study or report. However, the proposal holds some values in support of the Wagga Wagga Local Strategic Planning Statement (LSPS) opportunity mapping and outlook for Currawarna Village. There are growth prospects for the village, specifically lifestyle opportunities, which may encourage population growth for the community given the existing natural sceneries and tourist attractions of the area (e.g., Currawarna Beach reserve and State forest).

This proposal recognising these growth potentials of the village seeks to amend the Wagga Wagga LEP to reduce the minimum lot size of the subject sites from 200 ha to 2 ha to create an opportunity that will result in extra dwellings being developed and added to the village housing supply-demand pool.

Council considered the option to extend the zone RU5 and removing MLS however Council wishes to investigate the village intensification in more detail in the future. The proposal notes that an amendment to the minimum lot size, at this time, is the most feasible approach to achieving the proposal objectives and intended outcomes as the sites are fragmented parcels of land surrounded by other fragmented parcels and dwellings which are unlikely to be used for agricultural purposes. Further, the sites have no dwelling entitlements and amending minimum lot size is the only way to enable approval of dwellings on the sites. This will be a map-only amendment to change the minimum lot size of the identified sites. All other LEP provisions will remain.

## 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	The planning proposal is considered consistent with the direction as it focuses on housing development within the rural village of Currawarna, leveraging lot configuration and rural lifestyle of the area.
Direction 23: Build resilience in towns and villages	The direction's focus on building resilience in towns and villages aligns with the planning proposal in such that it will help Currawarna become more robust and dynamic, as well as encourage residents to invest in Currawarna growth, prosperity, and sustainability.
Direction 25: Build housing capacity to meet demand	Currawarna is small rural community of a population not exceeding 200 people. The current planning proposal will add and respond to the housing demand of the community, as two additional dwellings are expected to be developed upon approval and operationalisation of this proposal.

Direction 26: Provide greater housing choice	The incremental value in housing supply potentially underpinned by this planning proposal will expand and provide more varied choice for rural housing and lifestyle in Currawarna.
Direction 27: Manage rural residential development & Direction 28: Deliver healthy built environments and improved urban design	These sites, the subject of the minimum lot size amendment in this planning proposal, are fragmented parcels of land (approximately 2 ha each) bounded by other parcel fragments in an uncoordinated subdivision fashion inconsistent with the existing zone minimum lot size requirement. One of the planning proposal objectives to amend the minimum lot size, taking cognisance of lot configuration and character of the area, reinforces the development consolidation of Currawarna, while diminishing land structurally unfit for agricultural purposes. This consolidation will not only provide the lots with the advantage of existing infrastructure services within the village, but also reduces potential land use conflict and high servicing cost that characterise most rural residential development.

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies, as stated in the table below:

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Wagga Wagga Local Strategic Planning Statement (LSPS) 2040	<p>The planning proposal is consistent with Principles 10 and 11 of the Wagga Wagga LSPS 2040. Principle 10 aims to provide for a diversity of housing that meets the people's needs and principle 11 supports strong and resilient rural and village communities, including support for rural economies.</p> <p>The LSPS identifies growth potential for Currawarna Village and supports development that leverages the scenic assets of the rural landscape and village character of the area for a range of opportunities including lifestyle and housing choices. This planning proposal will enable growth by adding to the local housing supply-demand market, while stimulating the rural economy through other value-adds, such as building construction.</p>
Wagga Wagga Community Strategic Plan 2040	The planning proposal is consistent with the key priorities of the Wagga Wagga Community Strategic Plans on growing rural economy, and community place and identity, as it will enable additional dwellings in the growth area identified for Currawarna while maintaining the precinct characteristics and country lifestyle of the area.

## 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
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1.1 Implementation of Regional Plans	Yes	Alignment with this direction has been discussed in section 3.1 above.
1.3 Approval and Referral Requirements	Yes	The planning proposal is consistent with this direction as will not contain provisions requiring concurrence, consultation, or referral.
1.4 Site Specific Provisions	Yes	The planning proposal is consistent with this direction as it will only change the minimum lot size provisions for the sites and consider additional dwellings to be carried out in the zone the land is situated on in line with the lot pattern of the area.
3.2 Heritage Conservation	Yes	The subject sites are not identified in the LEP as land containing heritage items. However, there are LEP provisions to deal with heritage impact issues at the development application stage.
4.1 Flooding	Yes	The sites are not identified to contain flood prone land on the LEP maps.
4.3 Planning for Bushfire Protection	Yes	The sites are largely cleared land and not indicated to be bushfire prone.
4.4 Remediation of Contaminated Land	Yes	Residential land uses are already permitted on adjacent land (Lot 145) and parcels of land surrounding the subject sites. The proposal states that the lands are not affected by known contamination. Any potential contamination can be addressed and managed by Wagga Wagga City Council at the development application stage for the intended dwellings.
6.1 Residential Zones	Yes	<p>The objectives of this direction are to encourage a variety and choice of housing types and make efficient use of existing infrastructure and services while minimising the impact of residential development on the environment and resource lands.</p> <p>This planning proposal aims to leverage the rural appeals of Currawarna Village to deliver two additional dwellings in an area with permitted residential land uses and existing infrastructure services.</p>

8.1 Mining, Petroleum Production and Extractive Industries	Yes	The proposal is consistent with this direction as the land will remain zoned RU1 Primary Production where mining, petroleum production and extractive industries remain permissible with consent.
9.1 Rural Zones	No- inconsistency justified as minor significance- no further work is required	The planning proposal is inconsistent with this direction as it proposes to increase permissible density within a rural zone. The inconsistency is considered to be of minor significance because the lands are of a size and location that is not conducive to sustainable primary production. The land is located near a village and surrounded by smaller lots. The inconsistency has been justified as being of minor significance and no further work is required.
9.2 Rural Lands	No- inconsistency justified as minor significance- no further work is required	The planning proposal is inconsistent with this direction however facilitates the proposed growth in Currawarna Village as identified in the Wagga Wagga LSPS. The land will remain zoned RU1 at this time. The inconsistency has been justified as being of minor significance and no further work is required.

### 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	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 3 Koala habitat protection 2020.	This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.	Yes	This Chapter applies to land in the Zone RU1 Primary Production in Wagga Wagga City Council, which is specified in Schedule 2 of this policy.  Since the subject sites are largely cleared land surrounded by residential land uses, it is unlikely to support koala habitation.

## 4 Site-specific assessment

### 4.1 Environmental

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

**Table 8 Environmental impact assessment**

Environmental Impact	Assessment
Contamination	Potential contamination impact has been addressed in section 3.3 (Direction 4.4).
Terrestrial biodiversity	The sites contain no land identified on the terrestrial biodiversity map within the Wagga Wagga LEP..
Bushfire	The sites contain no bushfire prone land (also addressed in 3.3 – Direction 4.3).
Flooding	Potential flood impact has been addressed in section 3.3 (Direction 4.1). The land is not indicated on the LEP maps as being affected by flooding.
Heritage	Potential heritage impact has been addressed in section 3.3 (Direction 3.2).

### 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 supply and associated value adds	<p>The intent to enable consideration of a dwelling on each of the existing lots that do not already have a dwelling with the approval of this planning proposal will increase housing availability and facilitate a diversity of housing choices in Currawarna Village. The sites will support large lot residential development in proximity to existing infrastructure services.</p> <p>Value adds resulting from the building construction will stimulate the rural enterprises and local economy.</p>

### 4.3 Infrastructure

There is no servicing feasibility report supporting this planning proposal. However, Council report notes that with the minimal development opportunities resulting from the proposed changes, the existing infrastructure arrangements within the village are considered adequate in terms of access, on site effluent disposal and town water supply

## 5 Consultation

### 5.1 Community

Council has not proposed a community consultation period.

The proposal is categorised as being 'standard' and as such a maximum exhibition period is 20 working days. In this case and the nature of the proposal 28 days (20 working days) consultation is appropriate. It is noted that Council does not have a Community Participation Plan.

### 5.2 Agencies

It is recommended that no agency consultation is required in this case.

## 6 Timeframe

The planning proposal and Council's report do not recommend a timeframe to complete the LEP amendment.

The Department recommends a time frame of nine (9) months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported Council is to exhibit and report on the proposal as soon as practicable.

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

## 7 Local plan-making authority

As the planning proposal is categorised as standard, the Department recommends that Council be authorised to be the local plan-making authority.

## 8 Assessment summary

The planning proposal is supported to proceed given the standard level of complexity and degree of merits. The extent of the proposal consistency with extant state, regional, and local policies and plans is considered adequate. The sites will cater to a housing need for the local community. The sites have no identifiable environmental constraints, and any potential impacts will further be addressed upon consideration of a dwelling on the sites at the development application stage.

## 9 Recommendation

It is recommended:

[1] the delegate of the Secretary determines that the inconsistencies with section 9.1 Directions being Direction 9.1 Rural Zones and 9.2 Rural Lands have been justified in terms of the Directions and no further work is required.

[2] the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to exhibition the planning proposal is to be updated to include a Project Timeframe to reflect the nine (9) month plan making process.
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 is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, 2021) and 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 the Local Environmental Plan Making Guideline (Department of Planning and Environment, 2021).
3. No agency consultation is required.
  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 timeframe for completing the LEP is to be nine (9) months from the date of the Gateway determination.
  6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



\_\_\_\_\_  
(Signature)

16 May 2022

Wayne Garnsey  
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Noted



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(Signature)

16 May 2022

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