



IRF24/438

## Gateway determination report – PP-2024-423

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Rezone land at Walla Walla from R5 Large Lot  
Residential to RU5 Village Zone and change minimum  
lot sizes

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
1. Planning Proposal (February 2024)
2. Council Minutes and Report (December 2023)
3. Department email to Council (February 2024)
4. Proponent Letter to GHC (February 2024)

# 1 Planning proposal

## 1.1 Overview

Table 2 Planning proposal details

<b>LGA</b>	<b>Greater Hume Shire</b>
<b>PPA</b>	Greater Hume Shire Council
<b>NAME</b>	Rezone R5 Large Lot Residential Zone land to RU5 Village Zone and changes to minimum lot size
<b>NUMBER</b>	PP-2024-423
<b>LEP TO BE AMENDED</b>	Greater Hume LEP 2012
<b>ADDRESS</b>	Commercial Street and Walla Walla Road, Walla Walla 2659
<b>DESCRIPTION</b>	Part Lots 1-3 DP1287711
<b>RECEIVED</b>	29/02/2024 (Adequate 4/4/2024)
<b>FILE NO.</b>	IRF24/438
<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
<b>MAP ONLY/PCO ONLY/ PCO &amp; MAPS</b>	Map only

## 1.2 Objectives of planning proposal

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

The objectives of the planning proposal are to facilitate residential development on the subject land and provide consistency with the Walla Walla township lot size. The rezoning and change in minimum lot size would result in the potential development of an additional 38 lots.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Greater Hume Shire LEP 2012 as per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	R5 Large Lot Residential	RU5 Village Zone
Minimum lot size	(Part Lot 1-3) - 2ha (Part Lots 2-3) - 0ha	600m <sup>2</sup> 600m <sup>2</sup>
Number of dwellings	0	36

The planning proposal involves rezoning part Lot 13 DP1287711 from R5 Large Lot Residential to RU5 Village with a reduction of lot size on Part Lot 1 from 2ha to 600m<sup>2</sup> and increase to the minimum lot size on Lots 2 and 3 to 600m<sup>2</sup>. This would achieve an RU5 Village zone with a 600m<sup>2</sup> minimum lot size across the subject land.

A map-only amendment would be required to achieve the zoning and lot size changes.

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

## 1.4 Site description and surrounding area

The site is situated in the township of Walla Walla in Southern New South Wales, approximately 34 kilometres north of Albury and 37 kilometres west of Holbrook (**Figure 1**). The surrounding environment includes residential development to the west (across Commercial Street), industrial development and a sports field to the north, and the site and adjacent lots to the east are mostly vacant. There is access to the site from Commercial Street and Walla Walla Road, within the Township of Walla Walla.

The proposal states the area to be rezoned comprises approximately 4.9 hectares and consists of vacant land on the south-eastern side of the township. The area subject to the change in minimum lot size is 12 hectares and vacant, however, it does have an existing Development Application for Residential Subdivision with 2 Commercial lots (**Figure 2**).

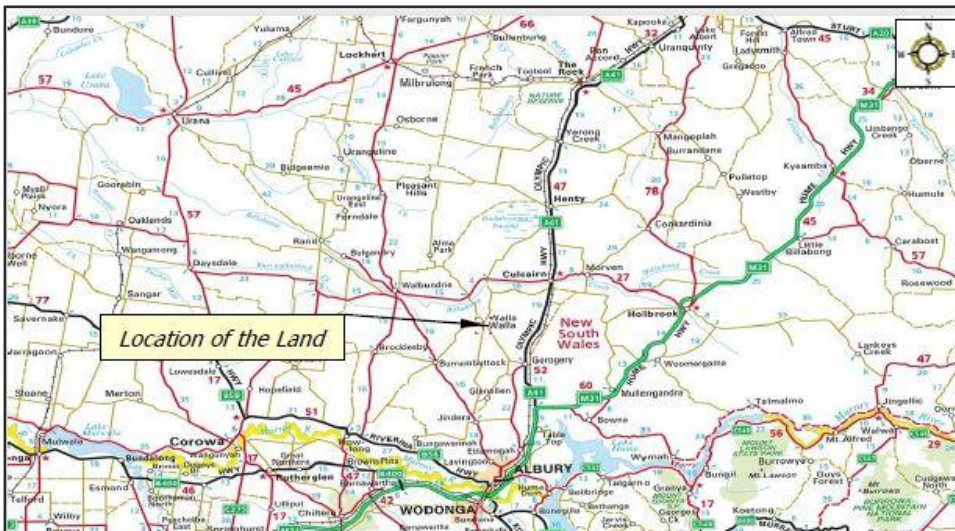


Figure 1 Broader Walla Walla context (source: Planning Proposal)



Figure 2 Subject site in red, DP128711 Lot 1, 2 and 3 (source: Planning Proposal + annotations by Department)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Lot Size and Zoning maps, which are not suitable for community consultation.

While the maps are suitable for departmental assessment purposes, a condition has been included to update the mapping in the planning proposal to show the current and proposed zoning and lot size map, so the proposed amendments are clear for community consultation.



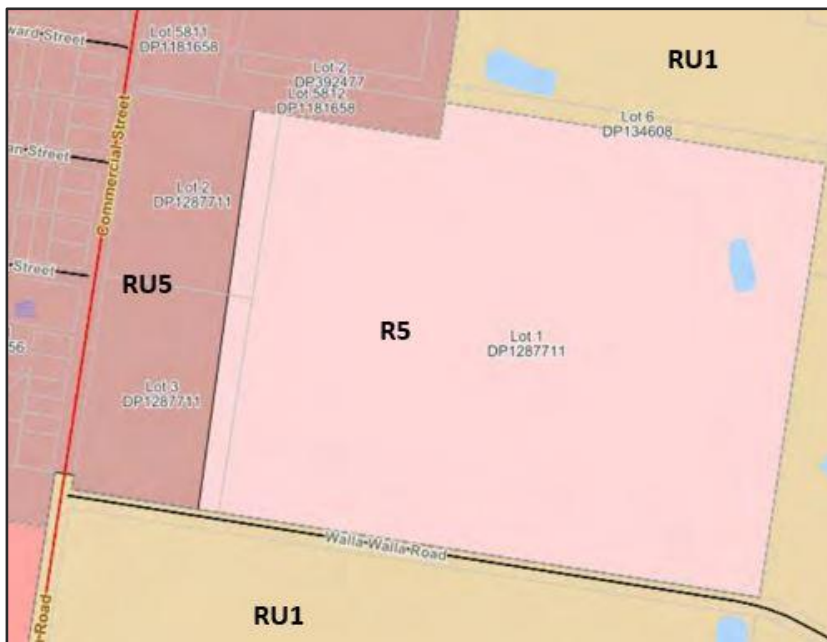


Figure 3 Current Zoning Map (Source: Council Report)

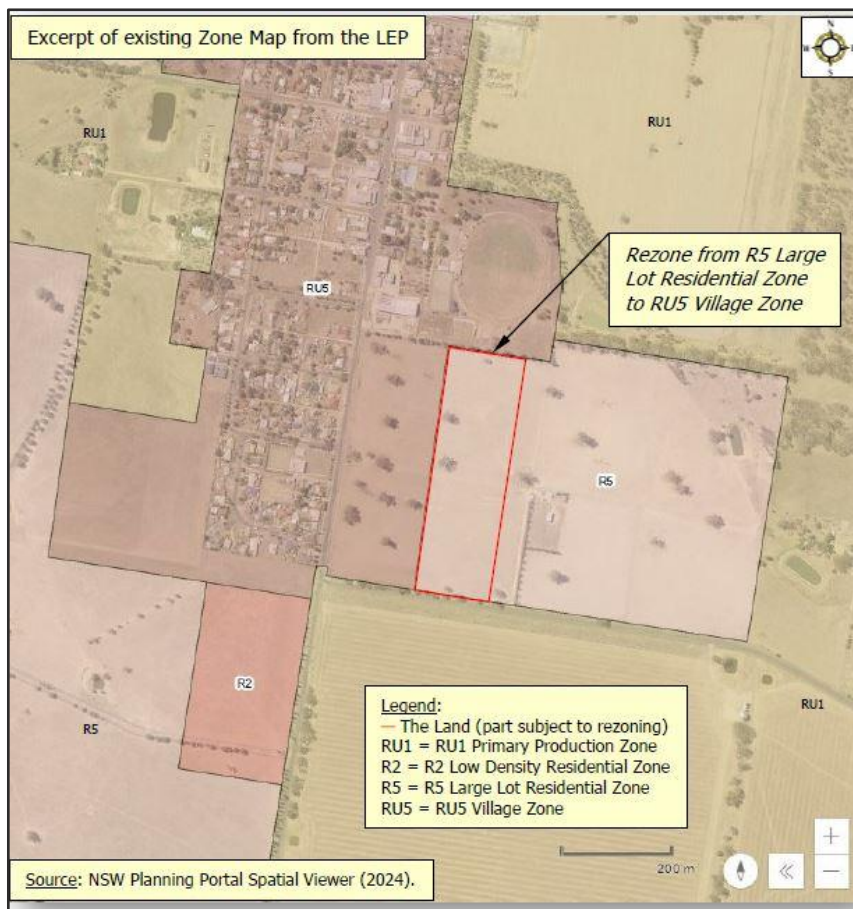


Figure 4 Proposed zoning annotated on current zone map (Source: Planning Proposal)



Figure 5 Current Lot Size Map (Source: Council Report)

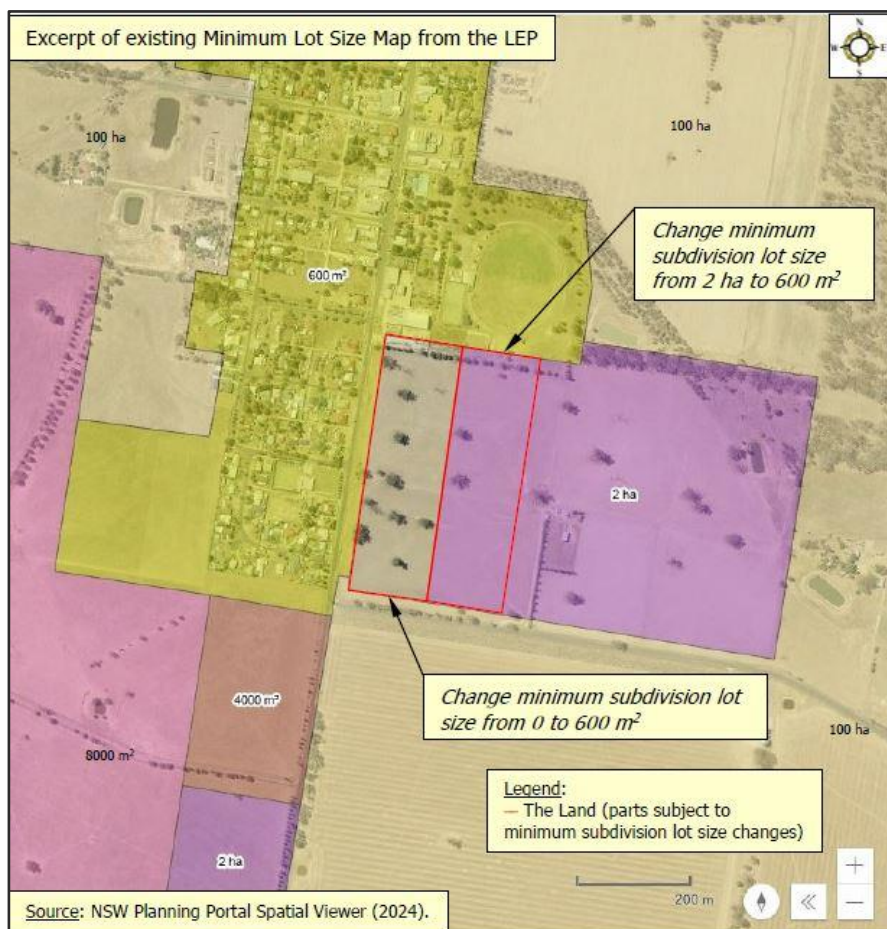


Figure 6 Proposed Lot Size Map annotated on current lot size map (Source: Planning proposal)



## 1.6 Background

There is no previous planning proposal for the subject site. There is a current DA for a 44 lot Torrens Title subdivision on Lot 2 and 3 of DP128711 on the portion of land zoned RU5 with no minimum lot size.

## 2 Need for the planning proposal

The planning proposal is not a direct result of any strategic study or report. The planning proposal has been initiated by a proponent with support from Greater Hume Council.

The planning proposal is needed to facilitate residential development in line with surrounding development. Including a 600m<sup>2</sup> minimum lot size across the site would be a suitable outcome and be consistent with the surrounding Walla Walla Township.

Recent updates to the Greater Hume Local Environmental Plan (2012) restrict further subdivision of R5 land unless lots meet a 2ha minimum lot size (Clause 4.1A). Rezoning near Walla Walla Township to RU5 and reducing the minimum lot size to 600m<sup>2</sup> is seen as an efficient way to promote residential growth while conserving adjacent agricultural land, potentially creating 38 new lots.

Council has stated it is satisfied the proposal presents a suitable intensification of residential lot density in an established housing area within the Walla Walla Township.

## 3 Strategic assessment

### 3.1 Regional Plan

The Proposal is largely consistent with the intent of the Riverina Murray Regional Plan.

The Regional Plan recognises the need for more housing due to population growth. The proposal relates to Objective 5 and associated Strategy 5.3 which aim to ensure housing supply, diversity, affordability, and resilience. The Department notes there is nearby land zoned for residential use and has questioned the viability of rezoning the subject site in the context of this, however the proponent states this land is ready to be developed and could meet the housing demand in Walla Walla now.

Strategy 5.3 relates to new urban development and the proposal is largely consistent with this Strategy as it aims to create about 38 new lots with 36 residential lots and 2 commercial lots. This development is expected to enhance the community and economy of Walla Walla by boosting population growth, on a well-located site, which will support local business and job creation.

The proposal also relates to Objective 3 to increase natural hazard resilience and is supported by various specialist reports including an infrastructure report, traffic impact assessment, preliminary site investigation report, Aboriginal Cultural heritage due diligence report and a bushfire assessment report.

### 3.2 Local

The proposal states it is consistent with the Greater Hume Local Strategic Planning Statement 2020. It is largely consistent with the strategic direction and objectives including Planning Priority 1, Housing and Land Supply, Planning Priority 3, Utility Infrastructure and Planning Priority 9, Climate change and natural hazards.

It is noted the site is identified for future commercial growth in the Greater Hume Development Control Plan in the Structure plan. The proposal should be updated to further address the

inconsistency with Council's Structure Plan. Council notes the Structure Plan is not a land zone map and commercial activities are still able to be accommodated within the land zoned RU5. It is also noted that two commercial lots are proposed as part of the first stage of the development, which is currently subject to a separate DA as the proposed land use is already permitted (and would be permitted with the introduction of the 600m<sup>2</sup> minimum lot size)

### 3.3 Section 9.1 Ministerial Directions

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

**Table 4 Section 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The proposal is consistent with the Riverina Murray Regional Plan and assessment against the plan has been included.
3.2 Heritage Conservation	Yes	The site does not contain any items, areas, objects or places of historical or Aboriginal Cultural heritage significance. The proposal has included an Aboriginal Cultural Heritage Due Diligence report.
4.3 Planning for Bush Fire Protection	Unresolved and consultation required	<p>The proposal is generally consistent with the Direction, having regard to Planning for Bushfire Protection (2019) and included assessment against the Direction. The proposal has also included assessment of the specific objectives of Planning for Bush Fire Protection, which would be further considered and included as requirements at any future development stage.</p> <p>Nonetheless as part of the site is mapped as bush fire prone land (see section 4.1), Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway determination and prior to undertaking community consultation. This forms part of the Gateway Conditions.</p> <p>Until this consultation has occurred the consistency with this Direction is considered unresolved.</p>
4.4 Remediation of Contaminated Land	Yes	<p>A preliminary site investigation report has been provided. The site has a historical broadacre agricultural land use, and the preliminary site inspection (PSI) concludes that previous development was generally well maintained and there are no indicators of gross contamination. The PSI has identified potential contamination from agricultural chemicals, while the soil analysis returned results below the criteria for residential use – therefore potential contamination is low significance, and the site is considered suitable for the proposed development.</p> <p>Further investigations can be undertaken the DA stage.</p>
5.1 Integrating Land Use and Transport	Yes	A traffic impact assessment has been provided, which concludes there is no reason the development should not proceed subject to implementation of various recommendations. Council is the authority of all surrounding local roads and further details and implementation of any recommendations can be undertaken at any future development application stage. Referral to Transport for NSW at this stage is not required.
6.1 Residential Zones	Yes	The proposal would facilitate a residential subdivision consistent with the proposed RU5 village zone.

### 3.4 State environmental planning policies (SEPPs)

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

**Table 5 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation)	To protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Yes	The proposal has not assessed how the rezoning would be capable of addressing the requirements of this SEPP and has not been supported by any specialist studies or reports which assess the potential biodiversity on the site.  However, at this stage the proposal is not inconsistent with this SEPP.
SEPP (Housing) 2021	Planning proposals must enable and encourage the development of diverse housing.	Yes	The proposal would facilitate the delivery of a range of housing types identified in the <i>State Environmental Planning Policy (Housing) 2021</i> , within the Walla Walla and Greater Hume area.
SEPP (Resilience and Hazards) 2021	Planning proposals must not increase the risk of harm to human health and the environment through contamination.	Yes	The proposal has included a preliminary site investigation which identifies the potential for contamination, however it is low risk and can be managed at future stages. See table 5 Ministerial Directions.  Therefore, the proposal at this stage has considered this SEPP and would likely be able to achieve its requirements.

The planning proposal does not propose provisions that may contradict with the provisions of these SEPPs. It is noted Council will be required to consider the abovementioned SEPPs when assessing any development applications for future subdivision and dwelling houses.

## 4 Site-specific assessment

### 4.1 Environmental

The following provides an assessment of the additional environmental impacts associated with the proposal not already addressed in this assessment.

#### 4.1.1 Flooding

Council has stated the Walla Walla Floodplain Risk Management Study and Plan (2017) indicates the site is not prone to flooding.

#### 4.1.2 Bushfire

A portion of the land within the north-eastern section of the subject site (and within Lot 1 DP128711) is identified as bushfire prone buffer.



The proposal has included a bush fire study, which indicates future development could comply with Planning for Bush Fire Protection (2019), however consultation with the NSW Rural Fire Service is required and forms part of the Gateway conditions (See section 3.3, Ministerial Directions).

## 4.2 Social and economic

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

**Table 6 Social and economic impact assessment**

Social and Economic Impact	Assessment
Aboriginal heritage	An Aboriginal heritage due diligence report is included in the proposal. The assessment has found no Aboriginal objects, which could be due to various factors such as distance from water sources, absence of landforms with significant archaeological factors and the agriculturally disturbed nature of the site. No further study is required at this stage.
Social and economic (demand and supply).	The proposal states that the residential subdivision would contribute to the “social and economic fabric of Walla Walla township”. The Department requested further information with regard to the development potential of other significant undeveloped land that is zoned appropriately for this type of development, the proposal states these tracts of land are not able to be developed due to other (non-planning) matters. Therefore, this site presents an opportunity to facilitate residential development and can be seen as a logical expansion of the residential area and would likely not have a significant impact on the adjoining land.

## 4.3 Infrastructure

The following 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.

### 4.3.1 Water

Reticulated water supply to the site remains an issue. The proposal states Riverina Water has agreed to connect the first stages of the development (2 commercial and 5 residential lots) to the

existing 100mm water main on Commercial Street. Noting this is subject to a separate DA, however, does provide context for the broader development.

For stages 3-5 (37 residential lots – which this proposal would facilitate) further discussions with Council is needed; to strategically plan Walla Walla's future growth and plan for necessary upgrades and services to ensure sufficient water pressure and flow.

The Department has sought information from Council and Riverina Water about water supply, however this has not been forthcoming. Consultation with Riverina Water is a key condition included within the Gateway. This would help to determine the level of servicing and upgrades required for adequate water supply.

#### 4.3.2 Other infrastructure

**Stormwater** – the land slopes to the North-West, concept plans of drainage have been provided. The drainage system would connect to the existing waterway to the North of the Property, linking to an established culvert along Edwards Street. Further details of drainage can be assessed at a future stage.

**Gas** – an existing medium pressure gas main runs along commercial street, which the proposal states can be used to service the subdivision.

**Sewer** – connections can be provided into existing Council infrastructure.

**Electricity** – existing low-voltage and high voltage overhead powerlines along Commercial Street and Walla Walla Road will provide electricity. An electrical substation would be installed to serve all proposed lots and the sewer pump station.

**Internet** – New development can use existing NBN fixed wireless satellite service.

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

### 5.2 Agencies

Council has nominated Riverina Water to be consulted about the planning proposal and is recommended to be consulted as part of the Gateway determination. It is also recommended the Rural Fire Service be consulted on the planning proposal. Both agencies are to be given 30 working days to comment.

## 6 Timeframe

Council has proposed to complete the LEP by August 2024.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 18 February 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.



## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal is for a local level rezoning and lot size change the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.3 Planning for Bush Fire Protection is unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the planning proposal is to be amended to:
  - provide clear maps that show the current and proposed zoning and minimum lot size,
  - provide further discussion on the proposal's inconsistency with the Walla Walla Structure Plan, in particular in relation to the demand and supply of commercial land,
  - update the project timeline to be consistent with the Gateway determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to 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, August 2023) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
  - Riverina Water
  - NSW Rural Fire Service

Public authorities are to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working 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).

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 18 February 2025 be included on the Gateway.



26/4/2024

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30 April 2024 (Date)

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