

Wagga Wagga City Council

Planning Proposal

Amendment to the Wagga Wagga Local Environmental Plan 2010

LEP19/0007 – Tumbarumba Road, Ladysmith

- Amend the minimum lot size from 200 hectares to 2 hectares

Date of Planning Proposal:

23 August 2019

Updated 28 October 2019

Contact:

Crystal Atkinson
Senior Strategic Planner
Wagga Wagga City Council
Phone: 1300 292 442

Email: council@wagga.nsw.gov.au

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ADDENDUM

Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan. The application is provided in appendix 1.

Council endorses the planning proposal with the following addendums:

- Site details
- Explanation of provisions
- Riverina Murray Regional Plan 2036 consistency
- Wagga Wagga Spatial Plan 2013-2043 consistency
- State Environmental Planning Policies consistency
- S9.1 Ministerial Directions consistency
- Mapping
- Community Consultation
- Project timeline

A Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* is requested.

The items included in the Planning Proposal have been supported by Council. A copy of the report and minutes is provided with the planning proposal.

Council is seeking delegations to make this plan as the matters contained in the Planning Proposal are of local significance. The evaluation criteria for the delegation of plan making functions checklist is provided. In addition, the completed Information Checklist is provided with this proposal.

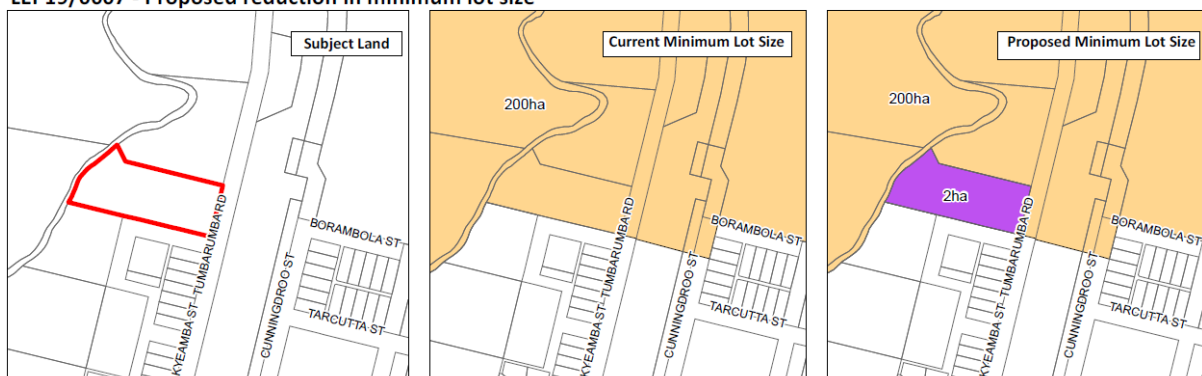
SITE DETAILS

The correct lot and DP details for the subject site is Lot 176 DP 757253.

PART 2 – EXPLANATION OF PROVISIONS

The planning proposal outcome will be achieved by amending the minimum lot size map sheet LSZ_004I as shown below:

LEP19/0007 - Proposed reduction in minimum lot size



PART 3 – JUSTIFICATION

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Riverina Murray Regional Plan 2036	
Direction	Compliance
<i>Protect the region's diverse and productive agricultural land</i>	The land is zoned RU1 Primary Production and is located immediately north of the Ladysmith village. The land has a Class 2 Agricultural suitability. This land is arable land suitable for regular cultivation for crops, but not suited to continuous cultivation. The land has a moderate to high suitability for agriculture, but soil and environmental constraints reduce the overall level of production and may limit cropping phase to a rotation with sown pastures. Despite the land classification, the site is a fragmented parcel of 2.4 hectares surrounding by existing dwellings and unlikely to be suitable for agricultural purposes.
<i>Promote the growth of regional cities and local centres.</i>	The planning proposal will enable additional dwelling opportunities in a rural lifestyle setting. By providing for additional lifestyle options without the villages, the existing village services can be better utilised and the city can better cater for higher density residential development.
<i>Build housing capacity to meet demand.</i>	Providing additional lifestyle opportunities within the existing villages where they are supported by services will provide more viable options for large lifestyle blocks that do not impede future development within the city. There will always be a demand for lifestyle lots and providing additional opportunities within the villages will cater for this demand.
<i>Provide greater housing choice.</i>	Additional rural lifestyle housing options within the villages will ensure greater choice for lifestyle lots within the local government area.
<i>Manage rural residential development.</i>	The proposal aligns with the Wagga Wagga Spatial Plan 2013-2043, endorsed by NSW Department of Planning, Industry and Environment. The plan identifies growth opportunities in the location of this lot to take advantage of existing services within the village. Utilising the villages to cater for demand in rural residential development will reduce the need within the city and therefore reduce the potential land use conflicts and high servicing costs that come with rural residential developments on the city fringe.



Is the planning proposal consistent with the council's local strategy or other local strategic plan?

Wagga Wagga Spatial Plan 2013 -2043	
Direction	Compliance
<i>The action for Ladysmith growth potential is to ensure minimal access to Tumbarumba Road through consultation with RMS.</i>	The subject lot is located on the Tumbarumba Road, however direct access is available from Keajura Street. The proposed change will enable one (1) additional dwelling and access can be directed away from Tumbarumba Road to Keajura Street.
<i>Address land demands for urban purposes through existing city centre and villages.</i>	The proposal caters for demand in rural lifestyle opportunities within close proximity to the city.
<i>Encourage population retention / growth and compatible development in villages.</i>	The proposal encourages population growth and the additional dwelling is a compatible use with the surrounding area.
<i>Expansion in the villages will require access to sewerage infrastructure and will need to be identified in Council's delivery servicing plan for sewer.</i>	The Ladysmith village is serviced by sewer. Support of the planning proposal will require an extension of the sewerage delivery servicing plan to include this additional lot.
Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040	
Direction	Compliance
<i>Grow the social and economic links between regional cities, smaller towns and villages to make access to new markets easier to and drive sustainable economic growth.</i>	Additional dwellings and population growth in the Ladysmith village will support the existing economy.
<i>Choices should be available for people who live within surrounding suburbs and villages to walk or cycle to key destinations.</i>	The proposal will enable one (1) additional dwelling on a lot located on the fringe of the Ladysmith village. The subject lot is 150m from the Ladysmith post office and approximately 200m from the Ladysmith public school.
<i>Investigate accessibility to and viability of public transport for villages.</i>	Increase the population of the Ladysmith village through this planning proposal will assist in viability of public transport.



Is the planning proposal consistent with applicable State Environmental Planning Policies?

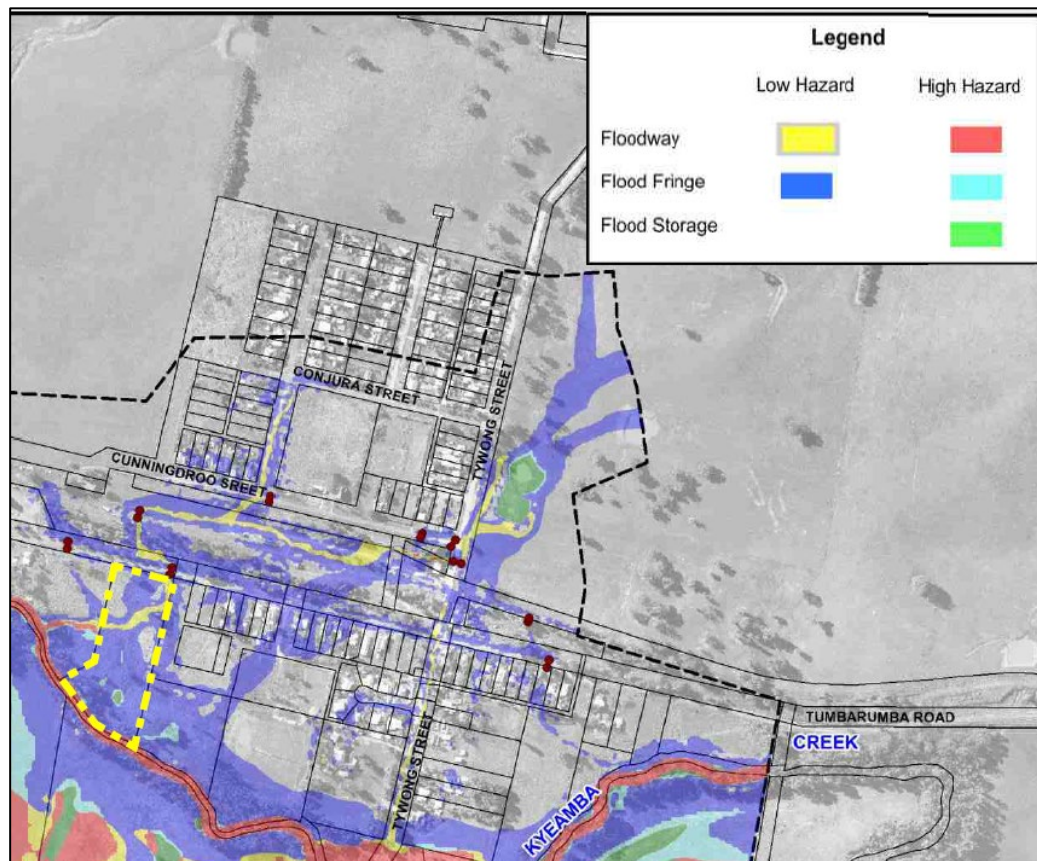
State Environmental Planning Policies	
Policy	Compliance
<i>SEPP 55 – Remediation of Land</i>	The land is zoned RU1 Primary Production and has the potential to be used for agricultural purposes. Whilst some agricultural uses have the potential to cause contamination, there are no known uses that would have caused contamination on this site.
<i>SEPP – Rural Lands 2008</i>	SEPP – Rural Lands 2008 has been repealed and replaced with SEPP (Primary Production and Rural Development) 2019. SEPP (Primary Production and Rural Development) 2019 is applicable and the planning proposal is consistent with the aims of the SEPP. The subject land is not significant agricultural land and the proposal to allow a dwelling will reduce the sterilisation of the land.

Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

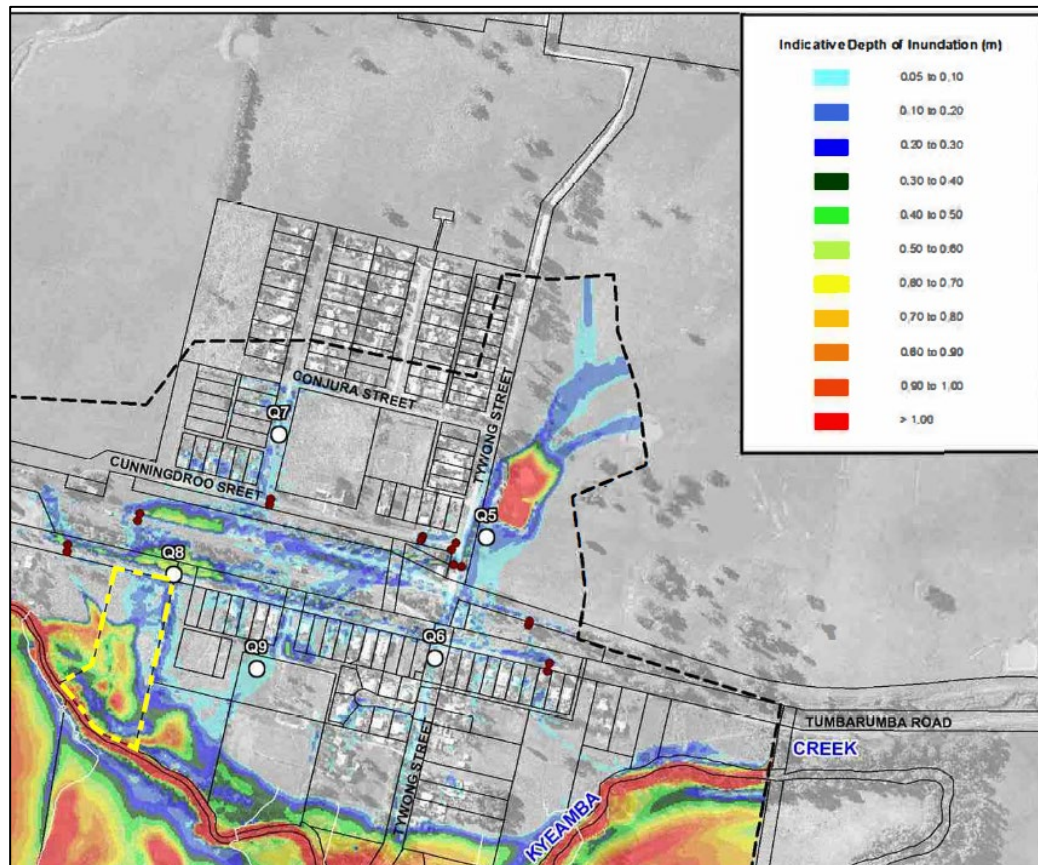
Section 9.1 Ministerial Directions	
Direction	Compliance
<i>1.2 Rural Zones</i>	The planning proposal is inconsistent with this direction as it is proposing an increase in permissible density of land that is within an existing village. The inconsistency is justified as the land is included within the Wagga Wagga Spatial Plan 2013-2043 that is endorsed by the Director-General.
<i>1.5 Rural Lands</i>	The planning proposal is consistent with this direction as the proposal is consistent with the Wagga Wagga Spatial Plan 2013-2043 which is endorsed by NSW Department of Planning, Industry and Environment.
<i>3.4 Integrating Land Use and Transport</i>	The planning proposal is proposing an additional dwelling on a lot located on the fringe of the Ladysmith village. Development within this location is within 150m of the post office and 200m of the public school. The location of development will promote walking and cycling within the village.
<i>4.3 Flood Prone Land</i>	The planning proposal is consistent with this direction as it is not proposing to permit development in floodway areas. There is adequate space located on the eastern portion of the lot outside of the flood planning area for a dwelling. Available flood studies for the area were completed in November 2014 by Lyall & Associates. The following figures shows the floodway and flood hazard extents and the indicative depth of inundation for the 100YR ARI for the subject land. In addition, the flood planning area map from the 2014 study is provided.



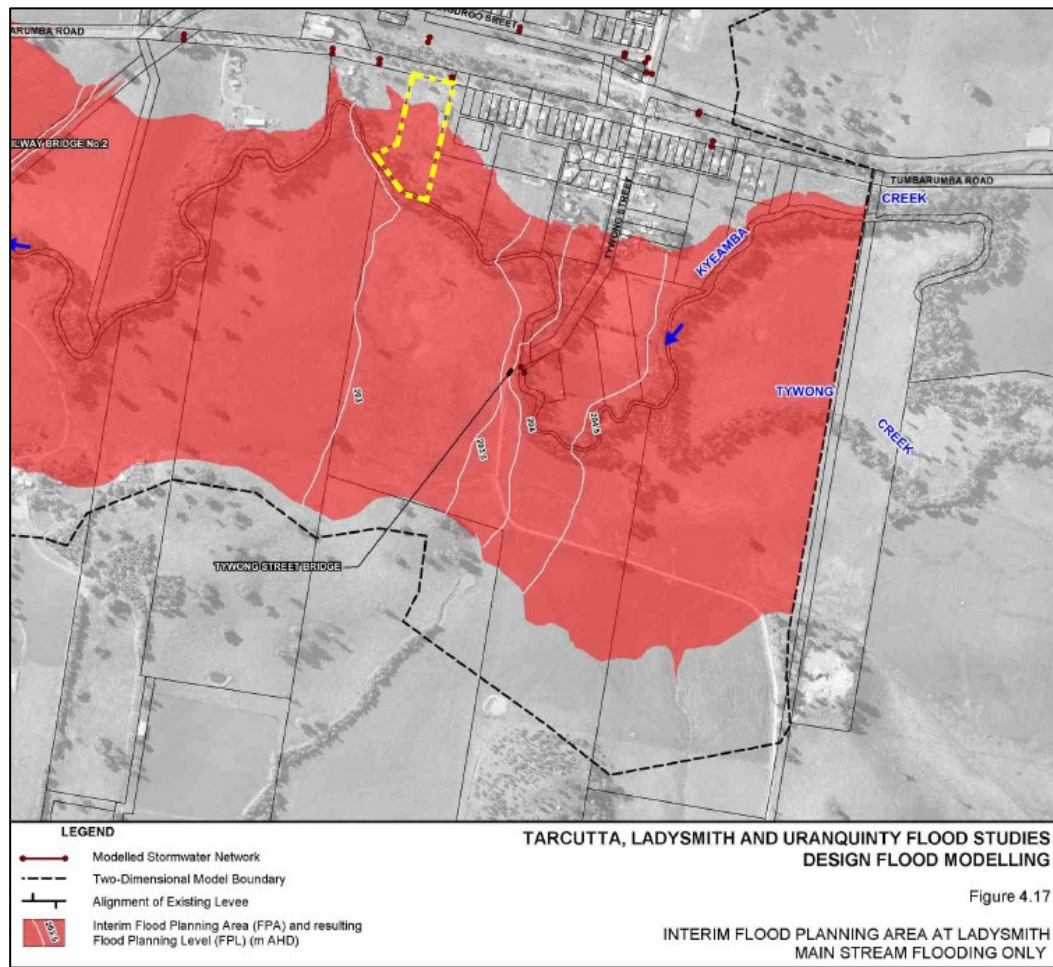
Provisional flood hazard and hydraulic categorisation – 100YR ARI:



Tuflow model results – 100YR ARI:



Interim flood planning area:



5.10 Implementation of Regional Plans

The planning proposal has considered and addressed the key directions of the Riverina-Murray Regional Plan.

Section D – State and Commonwealth interests

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has occurred with any public authorities prior to preparation and lodgement of the planning proposal.

The views of State and Commonwealth public authorities will be sought once the Gateway Determination has been issued.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps:

Lot Size Maps:

- LSZ_004I

Council requests the ability to lodge the template maps at S3.36 stage rather than prior to exhibition. The maps provided as part of the planning proposal are detailed enough for public exhibition purposes.

PART 5 – COMMUNITY CONSULTATION

Whilst this planning proposal is considered to be minor in nature, it is considered that a 28 day exhibition period is more suitable.

The requirement to notify affected and adjoining land owners within the planning proposal will be met.

PART 6 – PROJECT TIMELINE

Task	Anticipated timeframe
Anticipated date of Gateway Determination	October 2019
Anticipated timeframe for completion of required technical information	N/A
Timeframe for Government agency consultation	December 2019
Commencement and completion dates for public exhibition.	December 2019
Dates for public hearing	N/A
Timeframe for consideration of submissions	January 2020
Timeframe for the consideration of a proposal post exhibition	February 2020
Date of submission to the Department to finalise the LEP	March 2020
Anticipated date RPA will make the plan	April 2020
Anticipated date RPA will forward to the Department for notification	June 2020



Appendix 1: Application to amend Wagga Wagga Local Environmental Plan.





City of
Wagga Wagga

Civic Centre
Cnr Baylis & Morrow Sts
PO Box 20
Wagga Wagga NSW 2650

abn 56 044 159 537
p 1300 292 442
f 02 6926 9199
e council@wagga.nsw.gov.au
w www.wagga.nsw.gov.au

Application to amend Local Environmental Plan & Development Control Plan

Environmental Planning & Assessment Act 1979

Applicant Details

Office Use Only

Title Mr ☒ Mrs ☒ Ms ☐ Other

LEP No: LEP19/0007

Given Name/s Chris & Kendra

Date: 25.6.19

Surname Webber

CSO: Brit

Company

ABN

Postal Address

Postcode

Phone Number

Mobile

Work

E Mail

Signature

Date 25 June 2019

Site Details

Address

Lot No.

Section

DP / SP

Description of Planning Proposal



LEP Amendment



DCP Amendment

DP 257253 Lot 176 Tumbarumba Road Ladysmith. Amend Minimum lot size from 200 Hectares to 2 Hectares.



Pre-Lodgement Meeting

Prior to lodging your application, you need to have a pre-lodgement meeting to ensure that you have sufficient information. Have you phoned Council's Strategic Planners on 1300 292 442 to make an appointment?



Yes



No

If yes, whom did you phone Crystal

Applicant and Landowner Declaration

If you are the applicant, are you:

- ☐ 1. A Wagga Wagga City Councillor?
- ☐ 2. A Wagga Wagga City Council Staff Member?
- ☐ 3. A company where a director of the company is a person referred to at 1 or 2 above?
- ☐ 4. Acting on behalf of a person or company referred to at 1,2, or 3 above?
- ☐ 5. A relative of a person referred to at 1 or 2 above?
- ☐ 6. A company where a director of the company is a relative of a person referred to at 1 or 2 above?
- ☐ 7. Acting on behalf of a person or company referred to at 5 or 6 above?
- ☒ 8. None of the above

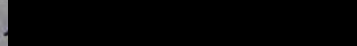
If you are the land owner, are you:

- ☐ 1. A Wagga Wagga City Councillor?
- ☐ 2. A Wagga Wagga City Council Staff Member?
- ☐ 3. A company where a director of the company is a person referred to at 1 or 2 above?
- ☐ 4. A relative of a person referred to at 1 or 2 above?
- ☐ 5. A company where a director of the company is a relative of a person referred to at 1 or 2 above?
- ☒ 6. None of the above

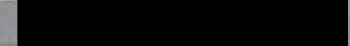
Consent of ALL owner(s) of the subject property

I declare that all the information in this application is to the best of my knowledge, true and correct. I also understand pursuant to the Environmental Planning and Assessment legislation that if the information is incomplete the application may be delayed, rejected, or refused without notice. I acknowledge that if the information provided is misleading any approval granted 'may be void'. I agree to the use of the documentation provided in support of this application for advertising and notification purposes.

Name Christopher Webber

Signature 

Name Kerem Webber

Signature 

Name 

Signature 

Notes:

- If there is more than one landowner, every owner must sign
- Company Ownership – A company can provide owners consent with or without a common seal and the application or authorisation letter must be signed by:
 - a) two (2) directors of the company; or
 - b) a director and a company secretary of the company; or
 - c) for a proprietary company that has a sole director who is also the sole company secretary – that director.

Copyright and Privacy

Please be advised that Council may make copies (including electronic copies) of the planning proposal and accompanying documents for the purpose of complying with its obligations under the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and Council's Notification Policy. In addition, Council may make such further copies as, in its opinion are necessary to facilitate a thorough consideration of the planning proposal. This may include making copies of the advertised plans, supporting documentation on Council's website to be viewed or printed out by members of the public. The Applicant is responsible for obtaining all copyright licences necessary from the copyright owners for this purpose.

Office Use Only

The fees and charges payable are in accordance with Council's Revenue and Pricing Policy at the time of lodgement.

- | | |
|---|---|
| ☐ Minor LEP amendment (Low Complexity) | ☐ Minor DCP Amendment to (Existing chapter / control) (Low Complexity) |
| ☐ Medium LEP Amendment (Medium Complexity) | ☐ Major DCP Amendment (New chapter / new controls) |
| ☐ Major LEP Amendment (High Complexity) | |

Receipt No: 1487130 Amount: \$ 7500.00 Cheque Requisite: ☐ Yes ☒ No

DP 257253 Lot 176, 8979 Tumbarumba Road,
Ladysmith NSW 2652

Planning Proposal

Amend - Minimum lot size from 200 Hectares to 2
Hectares

Prepared By: Chris & Kendra Webber

Date: 24 June 2019

INTRODUCTION

Ladysmith village is approximately 19 kilometres east of Wagga and has a population of 352 people.

Lot 176, 8979 Tumbarumba Road is 2.2 hectares situated within the village. The parcel of land is currently zoned RU1 and has residential dwellings built on either side. We are requesting to reduce the minimum lot size from 200 ha to 2 ha for this parcel of land. The amendment will enable construction of a residential dwelling on the 2.2 hectare lifestyle parcel of land.

BACKGROUND

This proposed amendment is consistent with both State and Regional Policy promoting regional growth and resilience for Wagga and surrounding villages.

The 2013-2043 WWCC Spatial Plan also supported development of this parcel of land (Area 19 - Ladysmith).

ADDRESS OF LAND

- DP257253 Lot 176 is zoned RU1 and is located at 8979 Tumbarumba Road, Ladysmith.
- Lot 176 is 2.2 hectares and is situated well within the 50 kilometre per hour speed zone area of Ladysmith.
- Lot 176 is has flood free Tumbarumba Road frontage and is within 200 metres of the Ladysmith Post Office.
- The land size is not large enough to support useful agricultural purposes.

EXISTING LAND USES

- The site located within the village of Ladysmith is not currently used for any purpose.
- The land size is not large enough for useful agricultural purposes.
- The parcel of land is located between the village and a 2.4 ha rural housing lot

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to amend the Wagga Wagga Local Environmental Plan (WWLEP) 2010 by amending the minimum lot size from 200 ha to 2ha within the WWLEP 2010.

PART 2 – EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by amending the minimum lot size map for Lot 176 DP 257253, 8979 Tumbarumba Road, Ladysmith from 200ha to 2ha to enable a dwelling to be built.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

- Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not a result of any strategic study or report.

- Is the planning proposal the best means of achieving the objectives or intended outcomes?

Amending the minimum lot size is the only way a dwelling can be approved on the subject lot. There are no dwelling entitlements for the site.

Section B – Relationship to strategic planning framework

- Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is consistent with the Riverina Murray Regional Plan 2017 as it is not proposing subdivision of land and is not suitable for agricultural uses.

The site is partially affected by flooding, however, has adequate flood free area and access suitable for a dwelling.

- Is the planning proposal consistent with the council's local strategy or other local strategic plan?

The planning proposal is supported by Council's Spatial Plan 2013-2043 as the land is identified as potential urban development. The proposal will provide additional housing opportunities within proximity to an existing village.

The spatial plan map is shown below:



- Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy (SEPP) (Rural Lands) 2008 is applicable. This proposal is consistent with the SEPP as it does not propose subdivision and the land is not suitable for agricultural purposes. The proposal will allow a dwelling on a vacant site, consistent with surrounding sites.

- Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Direction	Requirements	Response
1.2 Rural Zones	A planning proposal must not contain provisions that will increase the permissible density of land within a rural zone	Whilst the planning proposal is inconsistent, the inconsistency is of minor significance as the subject land is not productive agricultural land. The proposal is consistent with the Spatial Plan that has been endorsed by the Director General and gives consideration to this direction.
1.5 Rural Lands	Applies when a planning proposal will change the existing minimum lot size within a rural zone	Whilst the planning proposal is inconsistent, the inconsistency is of minor significance as the subject land is not productive agricultural land. The proposal is consistent with the Spatial Plan that has been endorsed by the Director General and gives consideration to this direction.
4.3 Flood Prone Land	Applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land	The inconsistency is of minor significance as the subject land has enough area outside of the flood planning area for a dwelling and access.
5.10 Implementation of Regional Plans	This direction applies when a relevant planning authority prepares a planning proposal	The planning proposal is consistent with this direction as it will create additional housing opportunities.

Section C – Environmental, social and economic impact

- Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no known critical habitat, threatened species or ecological community that will be affected as a result of this proposal.

- Are there any other likely environmental effects as a result of the planning proposal and how are they likely to be managed?

Part of the site is affected by creek flooding. There is enough site available outside of the flood planning area dwelling location and access shown in the map below.



- How has the planning proposal adequately addressed any social and economic effects?

The proposal will provide additional lifestyle housing opportunities within an existing village community. The village has a primary school and shop.

Section D – State and Commonwealth interests

- Is there adequate public infrastructure for the planning proposal?

There is adequate infrastructure available to the site.

- What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has occurred. Council will undertake consultation as per the gateway determination.

PART 4 – MAPPING

The proposal is to amend lot size map sheet LSZ_004I

PART 5 – COMMUNITY CONSULTATION

Council will prepare the community consultation details.

PART 6 – PROJECT TIMELINE

Council will prepare the project timeline.

Wagga Wagga City Council

Quote Estimate

Quote No: 7544

Date Issued: 24/06/2019

Expiry Date: 28/06/2019

Applicant:

Property:

Stage/Decision: Issued

Details: Lot 176 DP 757253 Tumbarumba Road Ladysmith - Webber

Status: Current

Group: Rezoning Applications

Category: LEP Amendment Proposal

Estimated Cost:

Description	Quantity	Amount	GST	Total
Minor LEP Amendment - Lodgement of Application	1.00	\$4,000.00		\$4,000.00
Minor LEP Amendment - Preparation of LEP	1.00	\$3,500.00		\$3,500.00
	Sub Total:	\$7,500.00		\$7,500.00
	Total:	\$7,500.00		\$7,500.00

DISCLAIMER

The attached quote is provided in good faith on the basis of the information that you have provided. Assessment of your application may reveal that further approvals, permits or licences are required from Council, Riverina Water and/or a state agency or department, for which additional fees will also be applicable. If your application is approved, your notice of determination may also contain conditions of consent that require additional fees be paid (such as developer contributions, levies and bonds). Please refer to the Development Application Preparation and Lodgement Guide or contact Council's Development Services on 1300 292 442 for further information.