



# Planning Proposal Assessment Report LEP19/0004 – Minimum Lot Size Amendment

## APPLICATION DETAILS

<b>Application No.:</b>	LEP19/0004
<b>Date of Lodgement:</b>	17 April 2019
<b>Applicant:</b>	Salvestro Planning – Garry Salvestro
<b>Proposal:</b>	Reduce the minimum lot size for lots on Plumpton Road, Brindabella Drive and Belmore Place
<b>Assessment Officer:</b>	Crystal Golden
<b>Referrals:</b>	Standard internal referrals occurred

## SITE DETAILS

<b>Subject Land:</b>	Lot 6 DP 243027, 60 Plumpton Road Lot 51 DP 1220118, 58 Plumpton Road Lot 52 DP 1220118, 58A Plumpton Road Lot 328 DP 1222593, 117 Brindabella Drive Lot 331 DP 1222593, 103 Brindabella Drive Lot 333 DP 1222593, 101 Brindabella Drive Lot 330 DP 1222593, 1 Belmore Place Lot 329 DP 1222593, 3 Belmore Place Part Lot 334 DP 1222593, 6 Belmore Place Lot 332 DP 1222593, 4 Belmore Place
<b>Owner:</b>	Various land owners

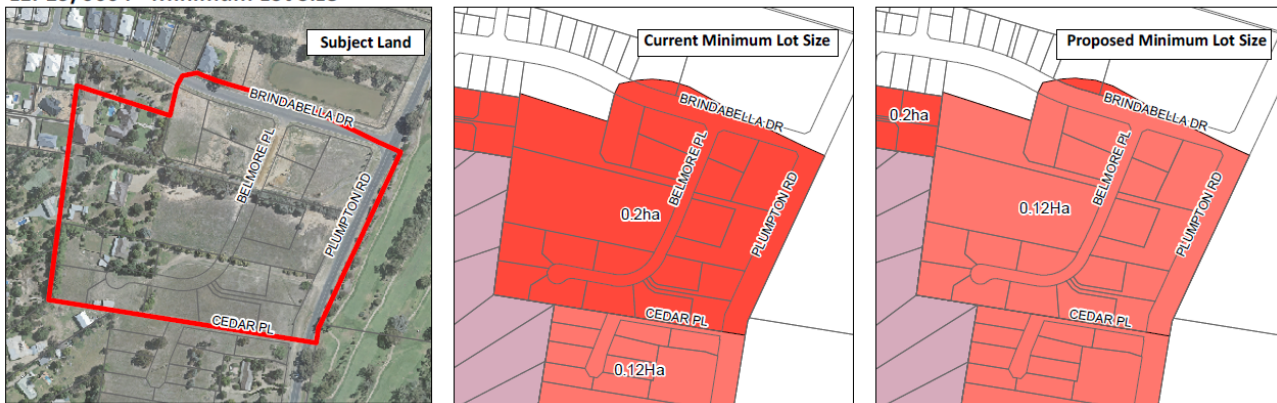
## DESCRIPTION OF DEVELOPMENT

The planning proposal proposes to amend the minimum lot size from 0.2 hectares to 0.14 hectares.

The proposed amendments are shown in the mapping below.

**Mapping Note:** The amendment to the minimum lot size map results in a residue of lot size applicable to two lots north of Brindabella Drive. This minimum lot size provision is being dealt with as part of planning Proposal LEP18/0005.

## LEP19/0004 - Minimum Lot Size



The proponent's description of the proposal, supporting information and conceptual development plans are provided under a separate cover (Attachment 1).

The total area of land identified in the planning proposal is 8.5 hectares and the proposed amendment to the minimum lot size will increase the lot yield from approximately 8 lots to 15 lots (20% is set aside for road infrastructure / easements). However, due to the existing easements, tree canopy and access, the final subdivision is expected to result in a lower lot yield than 15.

### THE SITE AND LOCATION

The site is located south of the city on a sub-arterial road that separates the Tatton and Lake Albert suburbs.

The site is an existing rural residential area (R5 Large Lot Residential zone) with new subdivisions occurring in the area. The site is located directly opposite the Wagga Wagga Country Club.

### KEY CONSIDERATIONS

#### 1. Population growth and housing demand:

The addition of dwellings to the housing stock is a major driver of population growth in the city, providing opportunities for households to relocated from other areas or new households to form locally. At a growth rate of 1.2%, the population of Wagga Wagga would exceed 80,000 people in 2040, however, the city must plan to grow to beyond 100,000 people. To accommodate a 2% population growth to 100,000 people and an additional 14,000 homes by 2040, 1.750 hectares of land is required if density rates continue at 8 dwellings per hectares.

The supply of residential land was last considered in 2013 as part of the Wagga Wagga Spatial Plan 2013-2043. The plan identified that there were approximately 426 hectares of urban release area and at a density pattern of 8 hectares per dwelling, this equates to an additional 3,500 dwellings. From this, the remaining greenfield areas at the time of the plan could accommodate a 10-year supply of housing at the projected growth rate and a 5-year supply at the aspirational growth rate of 2%.

Whilst most of the housing will be provided within urban release areas, infill development through redevelopment and intensification (as proposed by the planning proposal) will

also play a vital role in utilising existing services to accommodate the growing population of the city. It will also contribute to the mix of housing types available in the city.

2. Land use strategies underway and interim arrangements:

Council is currently in the process of reviewing and developing new land use strategies for the city. One of the key priorities is to consider the location of future growth areas and to identify areas in the city that may be intensified through subdivision.

Noting that it will take some time to complete the above strategic work, land owners may as an interim arrangement, lodge planning proposals to increase the development opportunities for their properties prior to the finalisation of the strategic work. Planning proposals will be considered on merit and the onus is on the proponents to provide Council with the necessary information to undertake assessments to determine if there is enough justification for a planning proposal to proceed prior to completion of the strategic work.

3. Consistency with strategic directions:

Even though the planning proposal is not supported by a local housing strategy endorsed by the NSW Department of Planning and Environment, the Wagga Wagga Spatial Plan 2013-2043, endorsed by the NSW Department of Planning and Environment, identifies several approaches to addressing land demand for urban purposes in the city and encourages additional housing opportunities within urban areas where existing services and amenities are already provided. The proposal to rezone the land is based on site opportunities to optimise the land use of the available land that is currently serviced by public infrastructure and accessible to existing local community facilities and therefore considered generally consistent with the provisions of the Spatial Plan.

The proposal is also consistent with the recommendations of the Riverina Murray Regional Plan 2036, the draft Local Strategic Planning Statements, Section 9.1 Ministerial Directions as well as relevant State Environmental Planning Policies.

4. Justification for a reduced minimum lot size provision:

The applicant provided the following justification for the proposed reduction of minimum lot size:

*“The subject land forms part of a defined precinct including land with frontage to Plumpton Road between Brindabella Drive and Springvale Drive. This precinct has a mixture of 0.2ha and 0.14ha minimum lot size development standards applicable to the land.*

*A continuation of the 0.14ha minimum lot size standard to apply to all land along Plumpton Road north to Brindabella Drive will assist in ensuring consistent large lot character and amenity is achieved.*

*The subject land has strong and convenient connections to essential infrastructure including sealed roads, pedestrian pathways, bicycle tracks, community centres, passive and active recreation areas. Sewer and stormwater reticulation networks are*

*well established throughout the immediate neighbourhood.*

*The land's close proximity to the Country Club Golf Course, Boat Club and Lake Albert are a strong locational attribute that reinforces its suitability for more intensive development.*

*Based on the above strategic and precinct analysis maps, the proposal would demonstrate:*

- Consistency with the spatial form of this sector of the urban footprint*
- Consistency with the subdivision pattern emerging for the surrounding area*
- Opportunities to connect with essential linkages including open space, transport, community and infrastructure.*

*The proposal will assist in balancing the supply and type of residential land across the City as there is limited remaining stock of available land to develop at this density.*

*The inclusion of the above identified lots in a planning proposal would theoretically result in an additional 26 lots within the precinct. However, terrain and easement restrictions would more practically result in between 14-16 lots being created. This is a valuable contribution to local land supply.*

*Appropriate minimum lot size for the subject land has been considered in relation to key principles including:*

- 1. General subdivision patterns in the local and surrounding area*
- 2. Emerging subdivision patterns and local character attributes*
- 3. Proximity to essential services*
- 4. Lot usage and existing built improvements*
- 5. Ensuring efficient use of limited land resources and essential infrastructure.”*

Although the proposed amendment is not a direct result of a strategy identifying an appropriate minimum lot size for the wider area, it is acknowledged that the proposed minimum lot size is consistent with subdivision patterns in the area.

## 5. Infrastructure

One of the key issues to consider with LEP amendments is the ramifications of any proposal on existing infrastructure and the ability of existing networks to cope with increased demands. Phasing and service planning of new development areas must ensure that services can be equitably provided to meet baseline community needs and expectations.

The area is located within an existing urban environment and has access to existing services and infrastructure including roads, reticulated water and sewer. Other infrastructure networks and services, including public transport, waste management / recycling, health, education, child care, medical, emergency, mail and other community services are established in the local area and accessible to the subject site. Existing sewer capacity can accommodate the development potential of the site.

A stormwater management strategy may be required to address any stormwater upgrade requirements.

Traffic access to Plumpton Road will be limited, however Belmore Place extends across the site providing access onto Brindabella Drive. Stormwater and traffic requirements will be addressed and conditioned at development application stage.

## 6. Overland flow flooding

The eastern portion of the subject land is indicated to be affected by overland flow flooding on Council's mapping system.

The application considers flooding as part of 3.3.2 of the application and indicates that *the affectation is relatively minor and may be mitigated through appropriate design and management of overland flows across the site, as has occurred with other adjoining sites. Current available flood model mapping indicates that the majority of the eastern part of the site is affected by overland flows during a 100-year storm event. The levels provided by the model range between 0.03 and 0.21 metres, which are considered a minor impact and manageable with appropriate civil design during subdivision and dwelling construction.*

The application has not considered Ministerial Direction 4.3 Flood Prone Land. This direction requires planning proposals to achieve the following:

- Consistency with NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).
- Not contain provisions that apply to the flood planning areas which:
  - Permit development in floodway areas
  - Permit development that will result in significant flood impacts to other properties
  - Permit a significant increase in the development of that land
  - Result in a substantial increase in the requirement for government spending on flood mitigation measures, infrastructure or services
  - Permit development to be carried out without development consent

Without a study indicating where the floodway is or what impacts will result to other properties, it cannot be determined whether the planning proposal is achieving the direction.

Any Gateway Determination will require consultation with Office of Environment and Heritage due to the overland flow flooding affectation. As a result, the applicant may be required to undertake further studies.

## **COMPLIANCE TEST**

The following matters pursuant to the provisions of Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's Guide to Preparing Planning Proposal, have been taken into consideration in the assessment of the proposal.

<b>Riverina Murray Regional Plan 2036</b>	
<b>Direction</b>	<b>Compliance</b>
<i>Increase resilience to natural hazards and climate change</i>	<p>The land is located away from areas of known high biodiversity value, high bushfire hazards, contaminated land and designated waterways. There is overland flow flood risk present, however the type of development proposed is not dissimilar to that already permissible.</p> <p>The planning proposal has not provided any flood risk study to support the application.</p>
<i>Promote the growth of regional cities and local centres</i>	Current land use strategies encourage additional housing opportunities within existing urban areas where existing services and amenities are already provided. The proposal is based on site opportunities and optimising the use of land with infrastructure capacity.
<i>Build housing capacity to meet demand</i>	<p>Existing greenfield area can only accommodate approximately 10 years supply of housing demand at the projected growth rate. If the aspirational growth rate is achieved, the supply reduces to 5 years.</p> <p>Infill development, as proposed, plays a vital role in utilising existing services to accommodate the growing population. The proposal will reduce the existing minimum lot size and create additional dwelling opportunities.</p>
<i>Provide greater housing choice, affordability, including a greater mix of housing</i>	The planning proposal will contribute to existing housing choice in the city.
<i>Manage rural residential development</i>	The area is currently zoned R5 Large Lot Residential with a minimum lot size of 0.2 hectares. The planning proposal proposes to reduce the minimum lot size to 0.14 hectares and utilise existing infrastructure capacity.
<i>Deliver healthy built environments and improved urban design</i>	The proposal will facilitate infill development that is compatible with the existing character of the area. The reduction to the minimum lot size is consistent with existing subdivision patterns south of the site.
<i>Locate developments, including new urban release areas, away from areas of known high biodiversity value, high bushfire and flooding hazards, contaminated land, and designated waterways, to reduce the community's exposure to natural hazards.</i>	<p>The planning proposal is generally proposed in an area free of the identified hazards, except for flooding hazard.</p> <p>Not enough information has been provided to identify the flood hazard and risk.</p>

<b>Wagga Wagga Spatial Plan 2013-2043</b>	
<b>Direction</b>	<b>Compliance</b>
<i>Provide for a range of densities in neighbourhoods that respond to community demand.</i>	The planning proposal proposes to reduce the existing minimum lot size and ultimate lot yield for the location. The proposal will increase lifestyle housing opportunities within an existing area.
<i>Investigate areas identifies as 'potential intensification' for the provision of services.</i>	The area is not identified within Council's endorsed Spatial Plan as 'potential intensification'. The area provides opportunities for intensification as existing services have capacity, however, constraints need to be adequately addressed.
<i>Identify sites suitable for redevelopment and investigate the potential to concentrate development to infill sites to accommodate future growth.</i>	The planning proposal will facilitate infill development within an area that has adequate services.
<i>Facilitate the management and mitigation of the impacts of natural disasters.</i>	The planning proposal is proposing to increase density within an area impacted by major overland flow flooding. Further justification will be required to address impacts on flooding.
<i>Risks to the community from overland flow flooding are minimised.</i>	Insufficient information is available as part of this application to determine if there will be risks associated with increased development density.
<b>Section 9.1 Ministerial Directions</b>	
<b>Direction</b>	<b>Compliance</b>
<i>2.3 Heritage Conservation</i>	The subject land is not identified as a site containing known significant cultural or heritage values or items. A due diligence investigation is required prior to any development application for subdivision in accordance with the due diligence code of practice for Protection of Aboriginal Objects in NSW.
<i>3.1 Residential Zones</i>	The planning proposal is proposing to increase the existing density provisions by reducing the minimum lot size. The reduction in the minimum lot size will increase the amount of housing options available in an area where existing infrastructure and services are available.
<i>3.4 Integrating Land Use and Transport</i>	The planning proposal is in an existing urban zone with access to the existing transport network.
<i>4.3 Flood Prone Land</i>	The subject land is partially affected by major overland flow flooding on the eastern portion of the site. No information has been provided with respect to consistency with the <i>Floodplain Development Manual 2005</i> or the floodway and flood risks. Further information is required to be able to assess the consistency of this planning proposal with the ministerial direction. Council is also currently in the process of reviewing its Major Overland Flow flood risk management plan and study.

<i>5.1 Implementation of Regional Strategies</i>	The planning proposal is proposing to increase residential density within an existing zone with access to existing services and infrastructure consistent with the Riverina Murray Regional Plan.
<b>State Environmental Planning Policies (SEPP)</b>	
<b>Policy</b>	<b>Compliance</b>
<i>SEPP No 55 Remediation of Land</i>	The subject land has been used for agricultural uses in the past. Agricultural uses have potential to cause land contamination. Given the previous land use of the site, it is considered that the potential impacts of land contamination are low. Detailed assessment can be undertaken as part of any development application.
<b>Other</b>	
<i>Nil</i>	

### Internal / External Consultation

Internal: A cross-directorate internal referral occurred.

External: As the planning proposal involves land not owned by the applicant, up front preliminary consultation was completed to seek feedback from affected land owners. During this consultation period, no submissions were received.

Formal public consultation with adjoining land owners, the general public and referral agencies will occur after the Gateway Determination.

### Conclusion

The planning proposal has been considered in respect to the benefits to the community and matters discussed in this report are all reflection of public interest and community expectations through strategic direction and policy guiding documents. With adequate information addressing constraints of the land, the proposal could be supported for the following reasons:

- It complies with most of the provisions of the endorsed strategic documents, including the Riverina Murray Regional Plan 2036 and the Wagga Wagga Spatial Plan 2013-2043. Inconsistencies with flooding will need to be addressed.
- The proposal meets most of the relevant Section 9.1 Ministerial Directions. More information is required to address direction 4.3 Flood Prone Land.
- Addresses applicable State Environmental Planning Policies.
- The planning proposal has general support, provided additional information would be provided to address flood hazard and risk.

To comply with the NSW Department of Planning, Infrastructure and Environment guidelines and to support the planning proposal, council staff will prepare an addendum to the planning proposal prior to submitting for Gateway Determination. The addendum will address additional matters identified in this assessment report, proposal mapping and timeline.