

RP-3 DRAFT PLANNING PROPOSAL (LEP19/0004) TO AMEND THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - PLUMPTON ROAD, WAGGA WAGGA

Author: Crystal Golden

Director: Michael Keys

Summary:

Council is in receipt of a planning proposal (LEP19/0004) to amend the Wagga Wagga Local Environmental Plan 2010. The proposal is seeking to amend the minimum lot size requirements for land located on Plumpton Road.

An assessment of the application concluded that the planning proposal may proceed and recommends a request be submitted for a Gateway Determination from NSW Department of Planning, Industry and Environment.

Recommendation

That Council:

- a support planning proposal LEP19/0004 and the Council addendum to amend the Wagga Wagga Local Environmental Plan 2010
- b submit planning proposal LEP19/0004 and the Council addendum to the NSW Department of Planning, Industry and Environment for Gateway Determination
- c receive a further report after the public exhibition period:
 - i addressing any submissions made in respect of planning proposal LEP19/0004 and the Council addendum
 - ii proposing adoption of the planning proposal LEP19/0004 and the Council addendum unless there are any recommended changes deemed to be substantial and requiring a further public exhibition period

Applicant Details:

Submitted Proposal: Amendment to Wagga Wagga Local Environmental Plan 2010 to reduce the minimum lot size from 2,000 square metres to 1,400 square metres for various lots on Plumpton Road, Brindabella Drive and Belmore Place in Springvale and Tatton

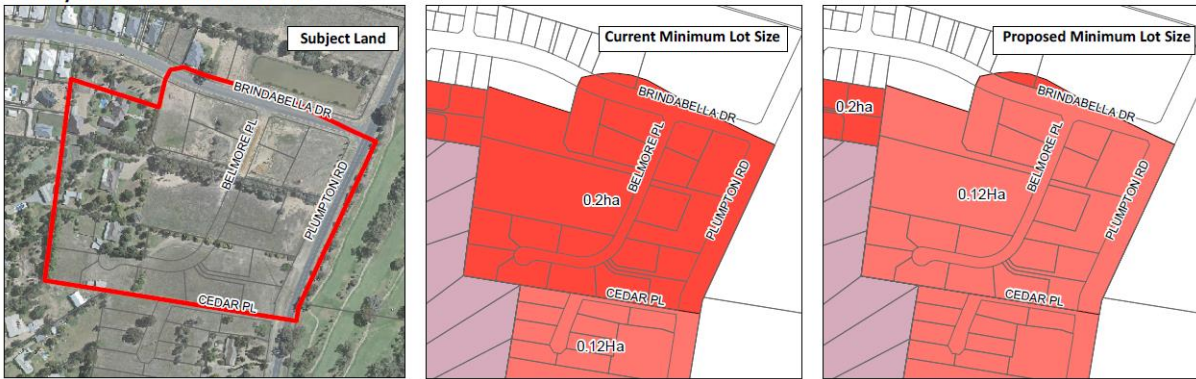
Applicant Salvestro Planning, for Sandra Schulz

Land Owners: Various land owners (provided under confidential cover)

Report

Council is in receipt of an application to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to reduce the minimum lot size for various lots on Plumpton Road, Brindabella Drive and Belmore Place from 2,000 square metres to 1,400 square metres. The proposed minimum lot size amendments are shown in the map below.

LEP19/0004 - Minimum Lot Size



The application and detailed assessment report are attached to this report.

Mapping note: The amendment to the minimum lot size 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.

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 be 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. Major overland flow flooding

The eastern portion of the subject land is indicated to be affected by major 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

Any Gateway Determination will require consultation with Office of Environment and Heritage due to the major overland flow flooding affectation. As a result, the applicant may be required to undertake further studies. The existing zoning and minimum lot size would result in additional lots to what currently exists. The proposed changes will not significantly impact the number of lots in the area and can be managed.

The eastern portion of the subject land is indicated to be affected by major overland flow.

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 is 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 the relevant Section 9.1 Ministerial Directions. More information is required to address direction 4.3 Flood Prone Land, which can be sought from the applicant after the Gateway Determination.
- Addresses applicable State Environmental Planning Policies.
- The planning proposal has general support, provided additional information would be provided to address flood hazard and risk.

Considering the full range of matters that have been considered as part of this assessment, it is considered that support for the proposal is reasonable and in the public's interest subject to adequate information on flood hazard and risk being provided. It is proposed to seek additional information on flood hazard and risk from the applicant as part of the Gateway Determination.

Financial Implications

In accordance with Council's 2018/19 Fees and Charges, a Medium LEP Amendment (medium complexity) attracts a total application fee of \$15,000 (application was submitted during the 2018/19 financial year). The proponent has paid this application fee. There are no requirements to amend the Wagga Wagga Development Control Plan, therefore, the \$2,000 fee for this type of amendment is not required.

Policy and Legislation

Environmental Planning and Assessment Act 1979
Wagga Wagga Local Environmental Plan 2010

Link to Strategic Plan

The Environment

Objective: We plan for the growth of the city

Outcome: We have sustainable urban development

Risk Management Issues for Council

An approval of the proposal may be subject to public scrutiny during the formal public consultation process and may put additional pressure on Council to review minimum lot sizes for R5 Large Lot Residential Land.

Refusal of the application may result in a review. The applicant has the ability to request a review of Council's decision by submitting the planning proposal to the NSW Department of Planning, Industry and Environment through a pre-Gateway review

process. The reasons for refusal will have to be justified and withstand scrutiny and cross-examination.

Internal / External Consultation

A cross-directorate internal referral occurred. The proposal has existing infrastructure capacity that can support the anticipated development outcome.

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.

Proposed formal public consultation methods are indicated in the table below:

	Mail			Media				Community Engagement					Digital				
	Rates notices insert	Direct mail	Letterbox drop	Council news story	Council News advert	Media releases	TV/radio advertising	One-on-one meetings	Your Say website	Community meetings	Stakeholder workshops	Drop-in sessions	Surveys and feedback forms	Social media	Email newsletters	Website	Digital advertising
TIER																	
Consult		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>									<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

Attachments

1. [Application - Planning Proposal \(LEP19/0004\) Plumpton Road](#)
2. [Assessment Report - Planning Proposal \(LEP19/0007\) Plumpton Road](#)
3. Affected Land Owner details - Planning Proposal (LEP19/0004) Plumpton Road

This matter is considered to be confidential under Section 10A(2) of the Local Government Act 1993, as it deals with: personnel matters concerning particular individuals.

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19/303 RESOLVED:
On the Motion of Councillors K Pascoe and R Kendall

That Council:

- a support planning proposal LEP19/0004 and the Council addendum to amend the Wagga Wagga Local Environmental Plan 2010**
- b submit planning proposal LEP19/0004 and the Council addendum to the NSW Department of Planning, Industry and Environment for Gateway Determination**
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CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
Y Braid OAM
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe

Against the Motion