

RP-2 DRAFT PLANNING PROPOSAL LEP18/0012 - ADJUSTMENT OF ZONE BOUNDARIES AT LOT 1 DP 605970 AND INCREASE TO MINIMUM LOT SIZE CONTROL TO PART LOT 1 DP 605970 ON HOLBROOK ROAD

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Summary: The planning proposal is to adjust land use zone boundaries at Lot 1 DP 605970 and to increase the minimum lot size requirement to part of Lot 1 DP 605970. The proposal originated from the land owner, Susan Forster and was submitted by Kim Kennedy and Associates. The recommendation is to proceed with the planning proposal and to request Gateway Determination from the NSW Department of Planning and Environment.

Recommendation

That Council:

- a support the planning proposal LEP18/0012 prepared to amend the Wagga Wagga Local Environmental Plan 2010
- b submit a planning proposal to the Department of Planning and Environment for Gateway Determination
- c receive a further report after the public exhibition period;
 - i addressing any submissions made in respect of the planning proposal
 - ii proposing adoption of the planning proposal unless there are any recommended amendment deemed to be substantial and requiring a further public exhibition period

Application Details

Submitted Proposal: Amendment to the Wagga Wagga Local Environmental Plan 2010 to change the zone boundaries between the R5 – Large Lot Residential Zone, RU1 – Primary Production Zone and E2 – Environmental Conservation Zone at Lot 1 DP 605970 and to increase minimum lot size provisions applicable to Part Lot 1 DP 605970 from 2 hectares to 200 hectares.

Land Owner: Susan Forster

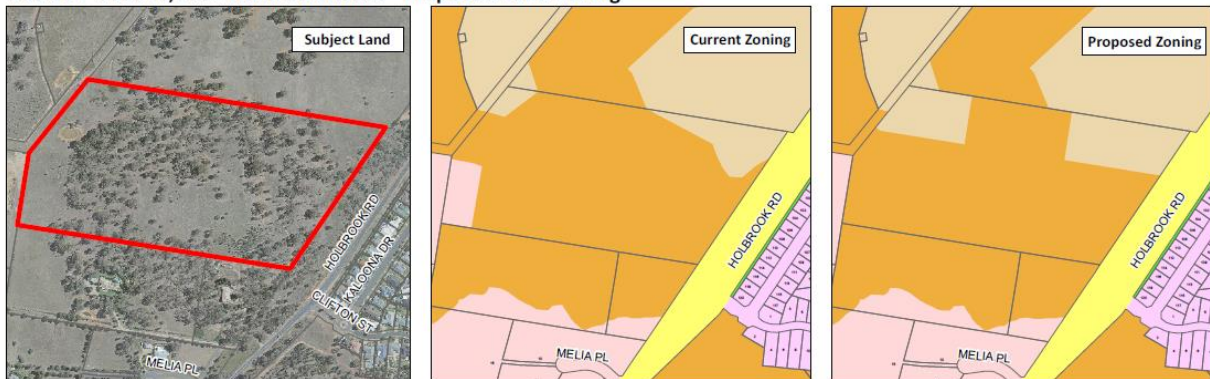
Applicant: Kim Kennedy and Associates

Report

Council is in receipt of the planning proposal LEP18/0012 to adjust land zoning boundaries and rationalise minimum lot size provisions applying to Lot 1 DP 605970 (7307 Holbrook Road, Lloyd). The planning proposal seeks to amend the zone boundaries between RU1 – Primary Production and E2 – Environmental Conservation. An area of R5 – Large Lot Residential zone is proposed to be rezoned to RU1 – Primary Production zone.

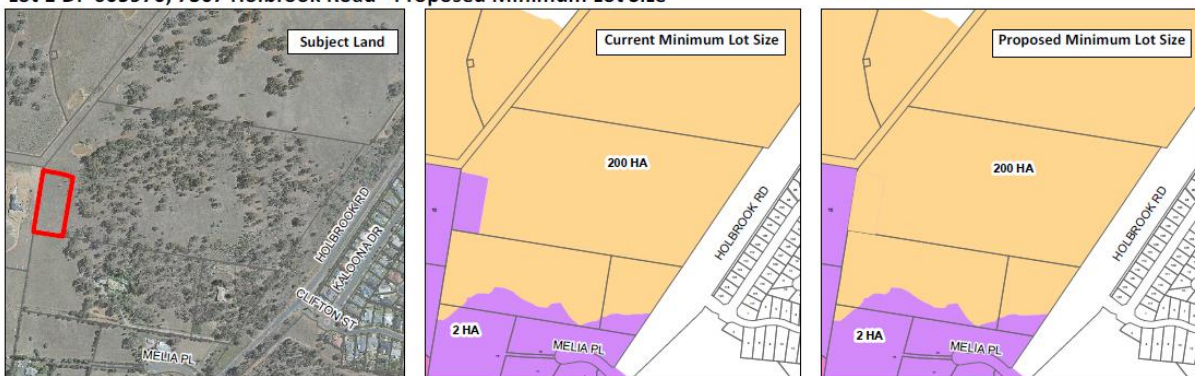
The proposed changes are illustrated below.

Lot 1 DP 605970, 7307 Holbrook Road - Proposed Land Zoning



The proposal also seeks to apply a 200 hectare minimum lot size across Lot 1 605970. An area of a 2 hectare minimum lot size will be removed in order to achieve this outcome.

Lot 1 DP 605970, 7307 Holbrook Road - Proposed Minimum Lot Size



Site and location

The subject land is located to the southern extent of Lloyd immediately west of Holbrook Road and the southern portion of Bourkelands. It is approximately 200m south of the extent of the Lloyd Urban Release Area. It contains significant environmental assets including Box-Gum Woodland.

The subject land is currently within and adjoining multiple land use zones. E2 – Environmental Conservation Zone covers the majority of the subject land and continues immediately north and west. RU1 – Primary Production zone exists in the north-east and north-west and continues into adjoining lands in these directions and to the south. A small area of R5 – Large Lot Residential Zone exists to the south-west and continues into adjoining lands.

Key considerations

The officer's assessment report (attached) has taken into account various considerations relevant to the subject lands. These include:

1. Future vision for the area

The subject land is at the southern extent of the suburb of Lloyd. The southern portions of Lloyd are to be developed contingent upon the success of preceding parts of the Lloyd subdivision in managing salinity issues. The stage of the suburban development of Lloyd that affects the subject land is to be one of the latest stages of development if pursued.

At this stage of strategic work, it can be identified that the environmental corridors to the southern parts of Wagga Wagga will be retained and planning proposals should uphold this direction.

A large part of the subject land is within the E2 – Environmental Conservation zone. Having this zone enables the Biodiversity Certification of the Wagga Wagga Local Environmental Plan 2010. The E2 - Environmental Conservation zone must therefore remain in effect into the future to retain the biodiversity certification of the WWLEP.

The planning proposal is a minor adjustment which enables effective use of non-environmental lands with the continuation of the adjacent E2 – Environmental Conservation zone over and connecting environmentally-significant lands. The planning proposal will do this in a manner which provides sufficient space to allow for a sound development outcome, including the use of the existing dwelling entitlement, which upholds zone objectives. It does not represent a significant strategic shift in the use of the subject lands.

The absence of any development would result in the rural zoned lands failing to uphold any of the zone objectives. Underutilisation is not a desirable outcome for rural lands in the area and not ideal for the upkeep of neighbouring environmental lands.

2. Protecting environmental assets and upholding biodiversity certification of the Wagga Wagga Local Environmental Plan 2010

The subject land is of importance to the city from an environmental perspective. Important environmental assets including Box-Gum Woodland exist over much of the subject land. Box-Gum Woodland is an Endangered Ecological Community listed under the Threatened Species Conservation Act 1995. It provides habitat for a number of threatened species.

The subject land also provides a linkage between tracts of environmental land. This provides continuity of habitat across the landscape. These reasons mean the subject land is within the E2 – Environmental Conservation zone. Retaining this zoning is integral to the ongoing biodiversity certification of the Wagga Wagga Local Environmental Plan 2010.

The planning proposal realigns the boundary between lands in the E2 – Environmental Conservation and RU1 – Primary Production zones in the northern portion of the subject land. Slightly more of this land shall be zoned RU1 – Primary Production as a result. Another area in the south-west of the subject land is to be rezoned from R5 – Large Lot Residential to E2 – Environmental Conservation. As a result, the proportion

of the subject land zoned E2 – Environmental Conservation is to be only slightly reduced relative to the present arrangement and this configuration is supported by NSW Office of Environment and Heritage (OEH).

3. Removal of R5 – Large Lot Residential zone and consistent minimum lot size across the subject land.

The south-western corner of the subject land features an area of approximately 8000m² which is currently zoned R5 – Large Lot Residential and has a minimum lot size of 2 hectares (20000m²).

This area does not have realistic prospects of fulfilling R5 – Large Lot Residential zone objectives, lacking both the scale and good location for access required. The minimum lot size of 2 hectares does not relate to any future development opportunity under this zone as this 8000m² area is smaller than this lot size.

A superior outcome for the subject land is to focus upon small scale rural-based land uses in the northern portion of the lot within the RU1 – Primary Production zone and allow the balance of the subject land to be protected for environmental assets in the E2 – Environmental Conservation zone.

4. Existing provision of infrastructure to the subject land

Infrastructure servicing to the subject land is minimal at this time. The limited infrastructure provision to the subject land suggests that only a modest level of development should be planned for at this time. The planning proposal only enhances the ability to use the existing dwelling entitlement, with no further development potential requiring additional infrastructure to be enabled.

Financial Implications

In accordance with Council's 2018/19 Fees and Charges, a Minor LEP Amendment (minor complexity) attracts total application fees of \$7,500. The proponent has paid this fee. There are no requirements to amend the DCP therefore the \$2,000 fee for such action is not required to be paid in this instance.

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 consider changes to zoning and minimum lot size requirements throughout the local government area.

Refusal of the application may result in an appeal process. The applicant has the ability to appeal Council’s decision by submitting the planning proposal to the Department of Planning 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

Formal consultation with general public and referral agencies will occur after the Gateway Determination.

	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					✓											✓	
Involve																	
Collaborate																	

Attachments

- 1. [LEP18/0012 - Planning Proposal as submitted](#)
- 2. [LEP18/0012 - Council Assessment Report](#)