

Planning Proposal Assessment Report

APPLICATION DETAILS

Application No:	LEP20/0006
Applicant:	Aaron De Jong
Proposal Summary:	Land Zoning: Rezoning from RU1 Primary Production to R5 Large Lot Residential Minimum Lot Size: Reduce the minimum lot size from 200 hectares to 2 hectares
Landowner:	Aaron and Amanda De Jong
Assessment Officer:	Crystal Atkinson, Senior Strategic Planner

SITE AND LOCATION

The site is located north of Dunns Road and is a direct extension of the Springvale large lot residential area. The site will form part of the southern fringe large lot residential area. The site located is shown in figure 1.

Subject Land:	Lot 21 DP1218487 39 Currawang Drive, Springvale
Current LEP Provisions:	Land Zoning: RU1 Primary Production Minimum Lot Size: 200 hectares
Current DCP Provisions	Rural Provisions
Existing Character:	<p>The land is located south of the city and is currently a rural property with a rural dwelling and farm structures. The site is a direct extension of the existing R5 large lot residential fringe.</p> <p>The site has a natural water course running from the north-east corner to the western boundary and fronts Dunns Road.</p> <p>The adjoining large lot residential lots north of Dunns Road have an 8-hectare minimum lot size provision, however, the lots are predominantly 2 hectares in size with the following lot size break up:</p> <ul style="list-style-type: none">▪ 57 lots 2 hectares or less▪ 18 lots 3 hectares or less▪ 2 lots 4 hectares or less▪ 1 lot greater than 4 hectares

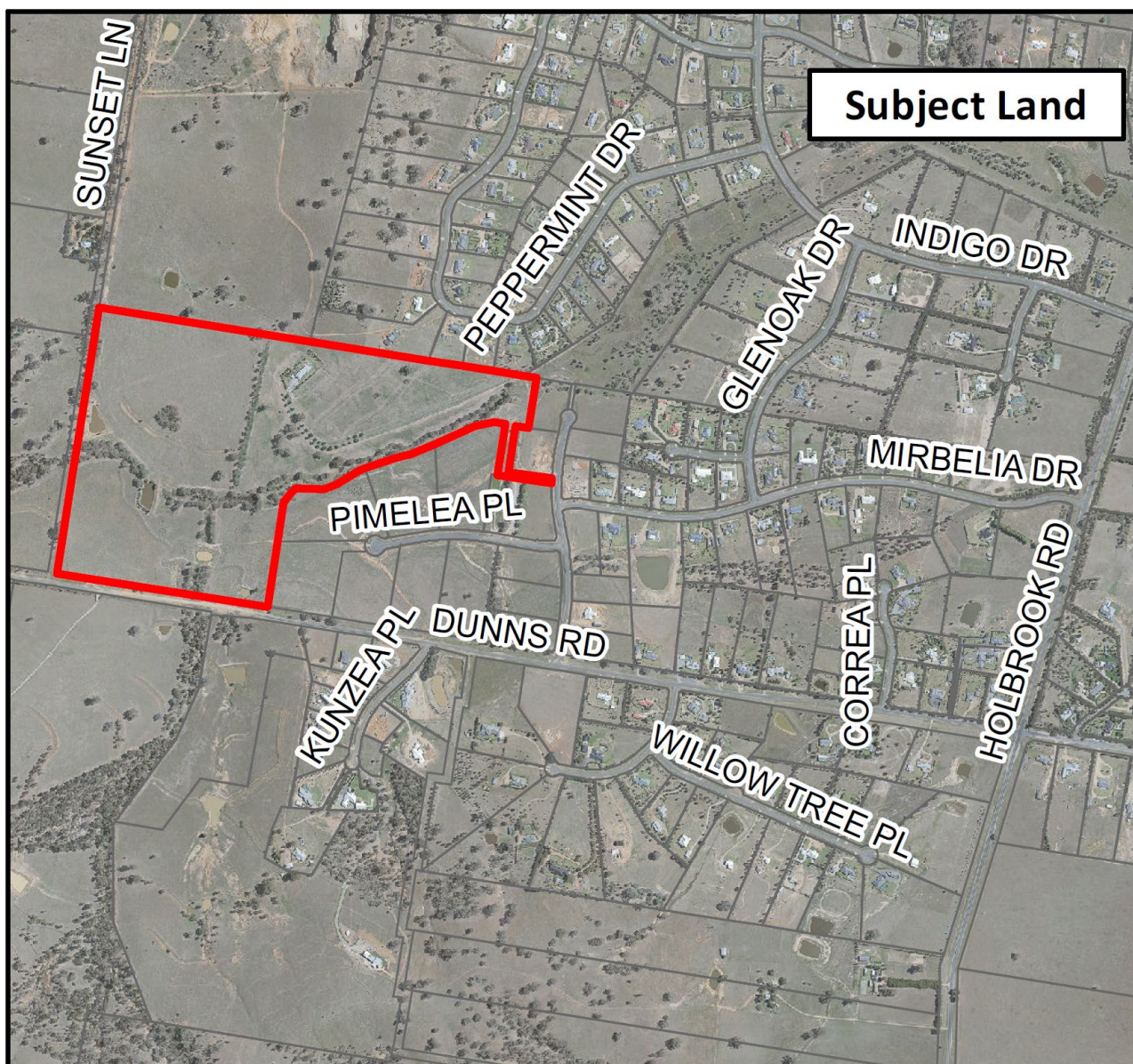


Figure 1: Site Location

PROPOSAL

Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP) to:

1. Rezone land from RU1 Primary Production to R5 Large Lot Residential.
2. Reduce the minimum lot size from 200 hectares.

The purpose of the planning proposal is to provide subdivision opportunities for land adjoining an existing large lot residential area. The subject site is approximately 40 hectares and will create an opportunity for around 16 large lot residential lots.

The changes proposed by the applicant are shown in figures 2 and 3.

LEP20/0006 - Proposed Land Zoning

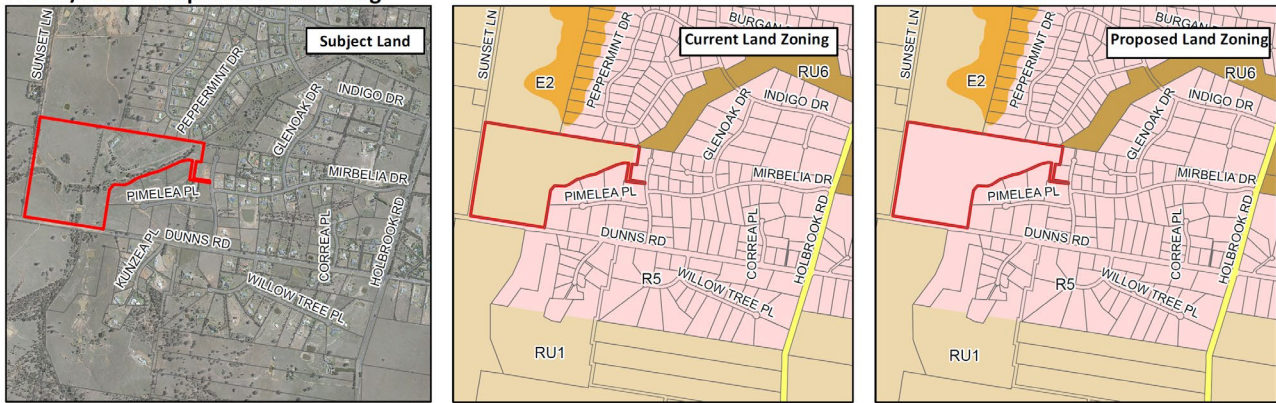


Figure 2: Proposed land zoning changes

LEP20/0006 - Proposed Lot Size (Application)

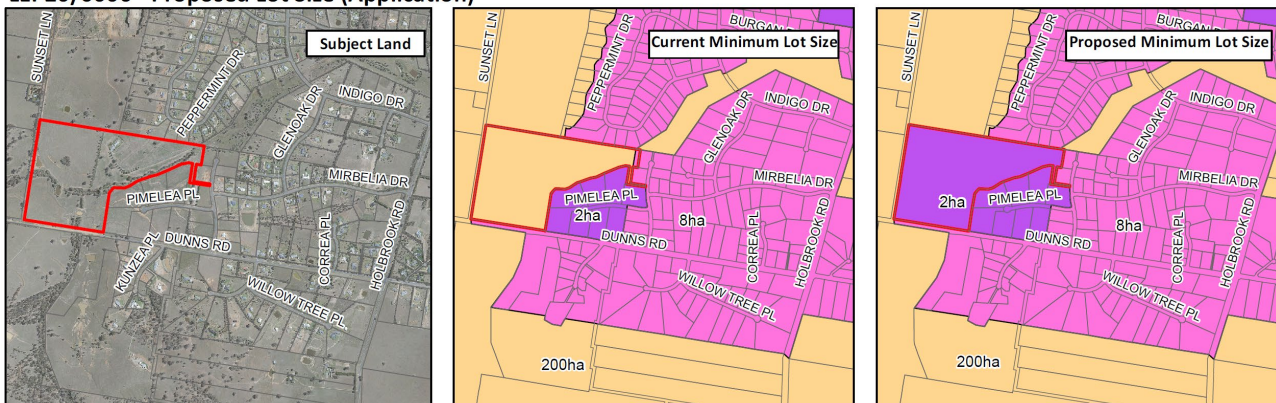


Figure 3: Proposed minimum lot size changes

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

RECOMMENDED AMENDMENTS

An assessment of the large lot residential precinct north of Dunns Road where an 8-hectare minimum lot size provision is applied shows the lot sizes to be predominantly 2 hectares. The lot size breakup of the precinct is shown in figure 4 and consists of the following:

- 59 lots less than 2 hectares – no subdivision potential
- 17 lots less than 3 hectares – no subdivision potential
- 2 lots less than 4 hectares – no subdivision potential
- 1 lot greater than 4 hectares – minimal subdivision potential

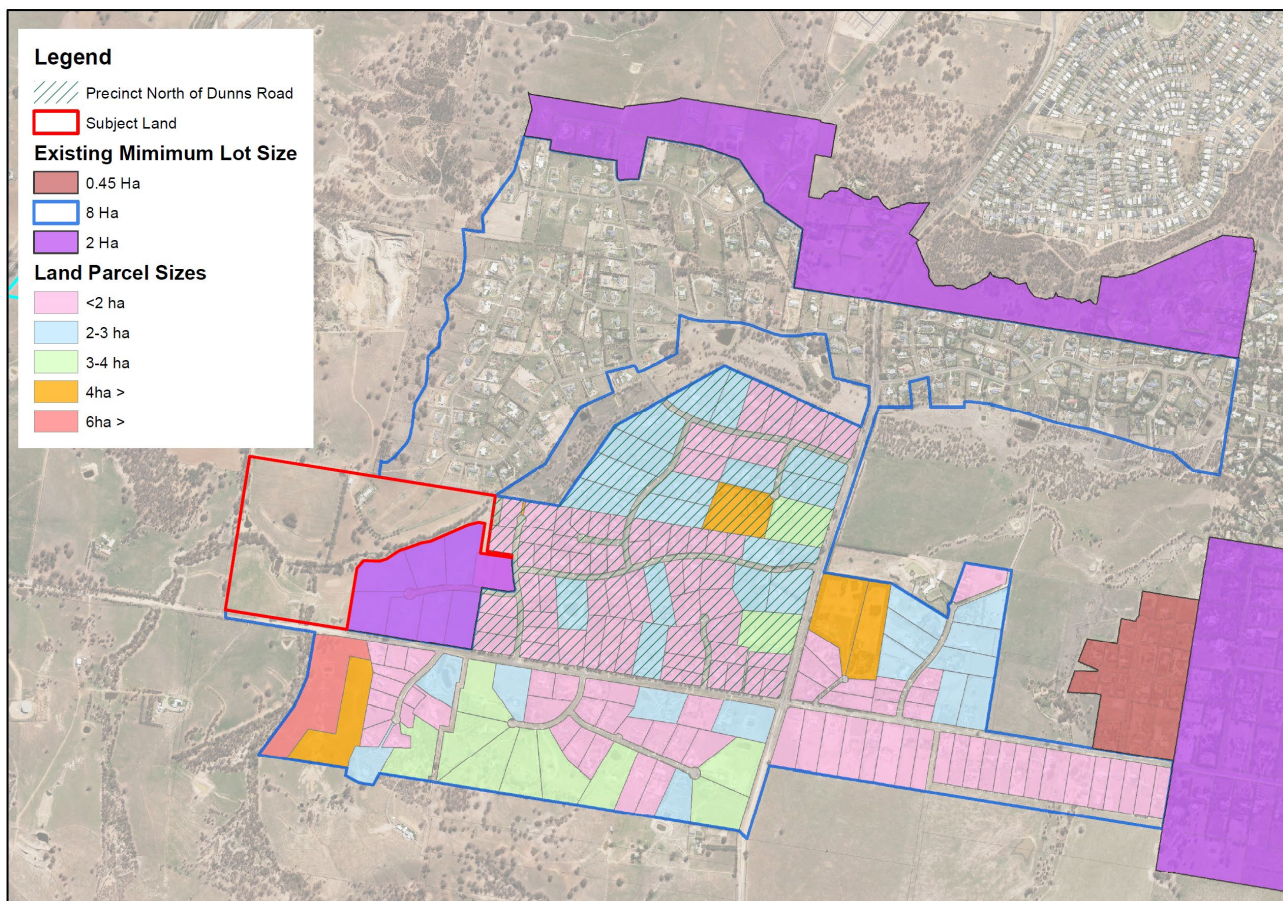


Figure 4: Lot size assessment

Based on the existing lot pattern, available services, and character of the area, it is proposed to expand the proposed reduction in minimum lot size to the precinct north of Dunns Road. Expanding the 2 hectare minimum lot size to this location will acknowledge the existing lot size pattern of the area.

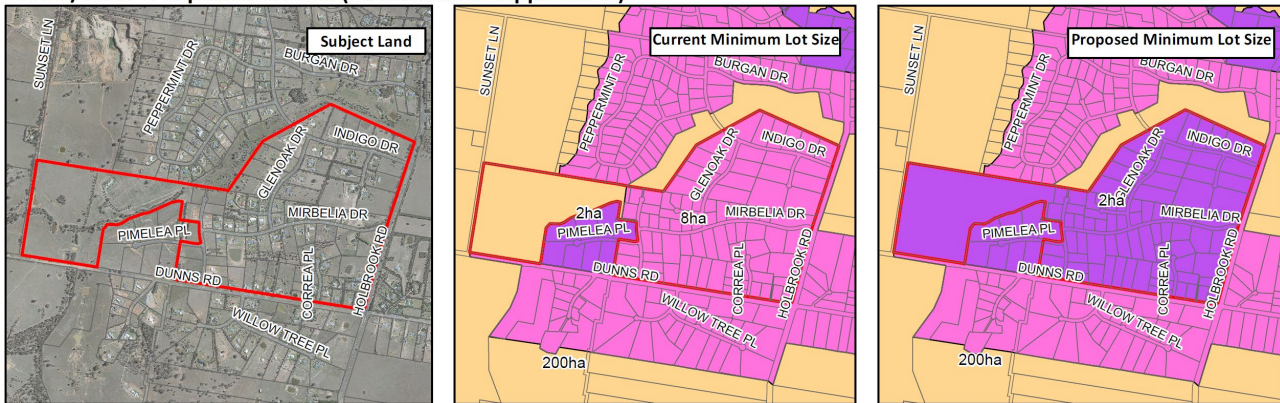
Whilst there may be merit in considering a lot size smaller than 2 hectares, it is considered premature at this stage given the existing vegetation, natural hazards and land constraints and the sites distance from other existing suburbs of Lloyd and Bourkelands that contain smaller lot sizes. This area benefits from expansive environmental protection areas that provide corridors for habitat. Retaining larger lot sizes will help protect the environmental values within this area.

Further intensification to lots less than 2-hectares will require further detailed analysis of infrastructure capacity for a broader precinct. Given the applicant is proposing lot sizes of 2-hectares that utilise existing infrastructure, it is not considered appropriate to delay the proposal to undertake detailed analysis of infrastructure capacity to support a smaller lot size. In addition, the current treatment of Dunns Road limits the ability for the corridor to accommodate intensification of lots less than 2-hectares until significant grading and sealing is undertaken. Upgrades to Dunns Road are proposed, however, the full details are not yet known.

Progressing with a minimum lot size of 2-hectares will not result in significant changes to the existing lot pattern and can allow for consideration of smaller lot size in the future if appropriate.

The precinct south of Dunns Road has slightly different lot size pattern and could be considered as part of a separate proposal.

LEP20/0006 - Proposed Lot Size (Addendum to Application)



ASSESSMENT

1. Council's Vision or Strategic Intent

There is general support for the planning proposal in both local and regional policies.

- Riverina Murray Regional Plan 2036

The Riverina Murray Regional Plan 2036 (RMRP) outlines goals to both protect the region's diverse and productive agricultural land and promote the growth of regional cities and local centres.

Whilst the planning proposal intends to rezone land currently zoned RU1 Primary Production, the opportunities to pursue viable agricultural uses are limited due to the character and size of the lot and its proximity to an existing large lot residential precinct.

The proposal will promote the growth of regional cities and local centres by increasing the supply of housing within the city.

- Wagga Wagga Spatial Plan 2013-2043

While the Wagga Wagga Spatial Plan 2013-2043 (Spatial Plan) has been replaced with the Wagga Wagga Local Strategic Planning Statement – Wagga Wagga 2040 (LSPS), it is considered as the application was lodged prior to the LSPS being adopted on 8 February 2021.

The land was not identified for 'potential intensification' in the Spatial Plan, however, is located adjacent to an area identified for 'potential intensification' and partially located within an area identified as 'potential urban land'.

The plan seeks to identify sites suitable for redevelopment and investigate the potential to concentrate development to infill sites to accommodate future growth and that development is to occur in liaison with infrastructure providers to ensure efficient and cost effective provision of services. The proposal is consistent with this.

The addition of dwellings to the housing stock is a major driver of population growth in the city, providing opportunities for households to relocate from other areas or new households to form locally. At a growth rate of 1.2%, the population of Wagga Wagga will exceed 80,000 people in 2040, however the city must plan to grow beyond 100,00 people. To accommodate this growth, the city will need to accommodate an additional 14,000 homes.

The supply of residential land was considered in the plan that identified there was approximately 426 hectares of urban release area. At a density pattern of 8 dwellings per hectare, the plan identified that this land could accommodate an additional 3,500 dwellings and the greenfield areas would be able to accommodate 10 years of supply of housing at the projected growth rate. This planning proposal will contribute to increasing our supply of housing.

- Wagga Wagga Local Strategic Planning Statement – Wagga Wagga 2040

At the time the application was lodged, the LSPS was being developed, but had not yet been on public exhibition. Since the application was lodged, public exhibition of the LSPS occurred and the plan was adopted on 8 February 2021.

The planning proposal did not need to address the LSPS, but an assessment of consistency with key themes and priorities is provided in this assessment.

Consideration of areas not identified for growth:

The LSPS provides opportunities for consideration of areas not identified for growth in the plan and any proposal is to address the principles of the LSPS including service provision, accessibility, and connectivity.

For the purposes of this proposal, this assessment addresses this.

Connected and accessible city:

Connectivity across the city supports an attractive lifestyle through reduced travel time and congestion. In the LSPS the objective is to direct greenfield development to identified growth areas integrated into transport networks and enabling infill development near key locations of the city.

Whilst development in this location is not an identified greenfield development area or infill within proximity to key service, it is a direct extension of an existing large lot residential area and within a 15-minute drive of the CBD.

Growth is supported by sustainable infrastructure:

Development in this location will make use of existing infrastructure services.

Protect and enhance natural areas and corridors:

The planning proposal is accompanied by an initial biodiversity assessment where it concludes that *'one endangered ecological community occurs within the proposal area and a number of threatened species may potentially occur in the proposal area and based on preliminary design concept, a significant impact to threatened species or ecological communities, or their habitats is considered unlikely'*.

The planning proposal indicates that the *Biodiversity Conservation Act 2016* thresholds will be exceeded, and a Biodiversity Development Assessment Report (BDAR) will be required as part of any future development application. The biodiversity assessment provided concludes that exceedance of thresholds could be avoided removing the need for a BDAR assessment.

Manage growth sustainably:

The initial biodiversity assessment provided with the planning proposal concludes that significant impacts to threatened species or ecological communities, or their habitats is considered unlikely and that development can avoid triggering the requirement for a BDAR by avoiding wooded vegetation including paddock trees.

Provide for a diversity of housing that meets our needs:

While large lot residential development is to be restricted on the fringe to support future investigation of expansion reliant on infrastructure capacity, the proposal has indicated adequate infrastructure capacity is available to support the proposal. The southern fringe of the city has expansive areas of large lot residential development and while desirable for many residents, this style of development complicates service delivery, transport planning and future development

patterns. Development of additional large lot residential lots in this location is a direct extension of an existing large lot residential precinct and will increase supply of this type of housing in a location that is not restricting future growth potential.

Increase resilience to natural hazards and land constraints:

The site has an overland flow path running from the north-eastern corner to the southern boundary of the site. This risk can be managed through subdivision design.

2. Infrastructure

- Stormwater

A hydrology report accompanies the planning proposal assessing the drainage system of the subject area. The report provides comparison of the existing and developed land conditions in terms of peak flow rate and time of concentration. These comparisons show peak flow rate to be higher for the developed case, whereas the time of concentration is lower for most of the cases due to the impervious ratio increasing as a result of development leading to higher runoff coefficient and consequently higher flow rate. The report indicates that the higher flow rate means higher velocity of flow and less time of concentration needed for overland rainfall to flow through the path distance and when flow path distances increase after construction, a longer time of concentration is likely to occur.

A stormwater management strategy will need to accompany any development application addressing the final subdivision layout.

- Water

The application has indicated that reticulated water supply will be provided to the development with potential for restrictions to apply to some lots based on elevation.

During public exhibition, it is proposed to consult with Riverina Water County Council on the provision of water and potential restrictions identified.

- Sewer

The planning proposal indicates that the existing sewer network has capacity to accommodate the proposed development and augmentation of sewer infrastructure will be funded by the developer.

- Utilities

Electricity, gas, and telecommunications services are available to the subject site.

- Traffic

Access to the site is limited due to existing lot layouts on Currawang Drive and Pimelea Place. The preferred option is to extend the Pimelea Place cul-de-sac to the subject site, however, it is acknowledged that land acquisition may be challenging to achieve this.

The next option is to have direct access to Dunns Road, noting the proposed upgrades scheduled and funded for Dunns Road. The access location will need to be located away from crests on Dunns Road to ensure adequate site distances for all traffic. The preferred access location is to be located at the eastern end of the site's frontage to Dunns Road if this option is pursued.

Access will be specified as objectives and controls in a precinct section of the DCP for this site.

3. LEP Provisions

- Exiting provisions

The site is currently zoned RU1 Primary Production with a minimum lot size of 200 hectares. Whilst the site is below the current minimum lot size, there is a dwelling located on the lot.

The current use of the land is rural.

- Proposed provisions

The proposed changes to the LEP will enable the subdivision of the site into approximately 16 lots.

4. Development Control Plan

- Existing controls

Development of the subject site is currently undertaken in accordance with the rural provisions of the Wagga Wagga Development Control Plan 2010.

The proposed R5 Large Lot Residential area will trigger application of section 5.3 of the DCP which specifies native vegetation requirements. This section applies to land where the lot size is greater than 0.2 hectares. The minimum lot size proposal of 2 hectares will allow adequate site area to address native vegetation planting requirements.

- Master plan / site specific controls?

Given the access requirements, it is proposed to prepare site specific provisions for the DCP to be exhibited alongside the planning proposal.

COMPLIANCE TEST

The following matters pursuant to the provisions of Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Industry and Environment's Guide to Preparing Planning Proposal, have been taken into consideration in the assessment of the proposal.

Riverina Murray Regional Plan 2036	
Direction	Compliance
Direction 1 – Protect the region's diverse and productive agricultural land	<p>Complies.</p> <p>The existing use of the land is more consistent with that of a large lot residential holding than that of agricultural uses.</p> <p>The proposal to rezone land from RU1 Primary Production to R5 Large Lot Residential will not result in the loss of prime agricultural land.</p>
Direction 16 – Increase resilience to natural hazards and climate change	<p>Complies.</p> <p>The subject land is located away from areas of known high bushfire hazards, contaminated land, and designated waterways. There is a minor overland flow flood risk present, however this is compatible with the type of development proposed, with subdivision layout able to address the risk.</p>
Direction 22 – Promote the growth of regional cities and local centres	<p>Complies.</p> <p>Current land use strategies encourage additional housing opportunities within existing urban areas where existing services and amenities are already provided. The proposal to rezone the land is based on site opportunities to optimise use</p>

	of the land that is currently serviced by public infrastructure and accessible to existing local community facilities.
Direction 25 – Build housing capacity to meet demand	Complies. The planning proposal will provide additional housing options for the city.
Direction 26 – Provide greater housing choice, affordability, including a greater mix of housing	Complies. The proposal will contribute to existing housing choice in the city and the region.
Direction 27 – Manage rural residential development	Complies. The proposal will be providing rural residential development in proximity to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewerage and waste services.
Wagga Wagga Spatial Plan 2013 -2043	
Direction	Compliance
Investigate areas as potential intensification for the provision of services	Complies. Part of the area is identified by the spatial plan as 'potential urban area' subject to investigating service capacity. It is also adjacent to an areas identified for potential infill.
Wagga Wagga Local Strategic Planning Statements – Wagga Wagga 2040	
Direction	Compliance
Principle 1 - Protect and enhance natural areas	Complies. The planning proposal is accompanied by an initial biodiversity assessment where is concludes that 'one endangered ecological community occurs within the proposal area and a number of threatened species may potentially occur in the proposal area and based on preliminary design concept, a significant impact to threatened species or ecological communities, or their habitats is considered unlikely'. The planning proposal indicates that the Biodiversity Conservation Act 2016 thresholds will be exceeded, and a Biodiversity Development Assessment Report (BDAR) will be required as part of any future development application. The biodiversity assessment provided concludes that exceedance of thresholds could be avoided removing the need for a BDAR assessment.
Principle 2 - Increase resilience to natural hazards and land constraints	Complies. The site has an overland flow path running from the north-eastern corner to the southern boundary of the site. This risk can be managed through subdivision design.
Principle 3 - Manage growth sustainably	Complies. The initial biodiversity assessment provided with the planning proposal concludes that significant impacts to threatened species or ecological communities, or their habitats is considered unlikely and that development can avoid triggering the requirement for a BDAR by avoiding wooded vegetation including paddock trees.
Principle 6 – A connected and accessible city	Complies. Connectivity across the city supports an attractive lifestyle through reduced travel time and congestion. In the LSPS the objective is to direct greenfield development to identified growth areas integrated into transport networks and enabling infill

	<p>development near key locations of the city.</p> <p>Whilst development in this location is not an identified greenfield development area or infill within proximity to key service, it is a direct extension of an existing large lot residential area and within a 15-minute drive of the CBD.</p>
Principle 7 - Growth is supported by sustainable infrastructure	<p>Complies.</p> <p>Development in this location will make use of existing infrastructure services.</p>

Principle 10 - Provide for a diversity of housing that meets our needs	<p>Complies.</p> <p>While large lot residential development is to be restricted on the fringe to support future investigation of expansion reliant on infrastructure capacity, the proposal has indicated adequate infrastructure capacity is available to support the proposal. The southern fringe of the city has expansive areas of large lot residential development and while desirable for many residents, this style of development complicates service delivery, transport planning and future development patterns. Development of additional large lot residential lots in this location is a direct extension of an existing large lot residential precinct and will increase supply of this type of housing in a location that is not restricting future growth potential.</p>
Section 9.1 Ministerial Directions	
Direction	Compliance
3.1 Residential Zones	The planning proposal is inconsistent with this direction as it is proposing to contain provisions that reduce the permissible residential density of the land through a minimum lot size. The inconsistency is of minor significance as the area is will be zoned R5 Large Lot Residential and is rural in nature. The area also immediately adjoins an existing R5 Large Lot Residential precinct and the minimum lot size provision is consistent with the existing lot size pattern.
3.4 Integrating Land Use and Transport	<p>The planning proposal is inconsistent with this direction as it proposes a large lot residential area on the fringe of the city with no existing connections to walking and cycling.</p> <p>The inconsistency is minor in nature as it is an extension of an existing large lot residential precinct.</p>
3.5 Development Near Regulated Airports and Defence Airfield	The planning proposal is consistent with this direction as it is of sufficient distance from the Kapooka Defence Base.
4.3 Flood Prone Land	The site has an overland flow path running from the north-eastern corner to the southern boundary of the site. This risk can be managed through subdivision design.
5.10 Implementation of Regional Plans	The planning proposal is consistent with this direction. The proposal is consistent with the regional strategy direction to build housing capacity to meet demand and proposed a range of lot sizes that will retain character and minimise the risk of land use conflicts.
State Environmental Planning Policies	
Policy	Compliance
<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.

Internal / External Consultation

Internal:

Cross-directorate consultation occurred on key matters.

Community consultation:

Community consultation will be undertaken as required by the Gateway Determination.

FINANCIAL IMPLICATIONS

In accordance with Council's 2020/2021 Fees and Charges, a Major LEP Amendment has a total application fee of \$44,000.00. The proponent has paid these fees.

It is anticipated that the LEP amendments will result in new development on the subject land in the future. This has financial implications for Wagga Wagga City Council.

Section 7.11 of the *Environmental Planning Assessment Act 1979* and Council's contributions plans enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities.

Section 64 of the *Local Government Act 1993*, Section 306 of the *Water Management Act 2000* as well as Council's development servicing plans enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The contribution and development servicing plans will apply to any future development of the land.

CONCLUSION

That Council:

- a support planning proposal LEP20/0006 to amend the Wagga Wagga Local Environmental Plan 2010 land zoning and minimum lot size
- b submit the planning proposal to the NSW Department of Planning, Industry and Environment for Gateway Determination
- c prepare a Development Control Plan amendment to be exhibited alongside the planning proposal to address relevant matters