

RP-3 PLANNING PROPOSAL LEP19/0008 TO REZONE THE COLLINGULLIE GROWTH AREA

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Director: Michael Keys

Summary:

A draft planning proposal has been prepared to rezone land adjoining the edge of the Collingullie township. The planning proposal overlaps land identified as the growth area for Collingullie.

The subject land area has been modified by an addendum which forms part of the recommendation to Council. This aligns the planning proposal to the identified Collingullie growth area nominated in the Wagga Wagga Spatial Plan 2013 and avoids land use conflict between future development and the Collingullie sewerage treatment plant.

It is recommended that Council support the planning proposal proceeding to a Gateway Determination subject to a further master plan prior to public exhibition.

Recommendation

That Council:

- a support the planning proposal to amend the Wagga Wagga Local Environmental Plan 2010, subject to the prepared addendum.
- b submit the planning proposal to the NSW Department of Planning, Industry and Environment for Gateway Determination.
- c require a master plan and supporting amendment to the Wagga Wagga Development Control Plan for the Collingullie growth area (including the subject land area) be prepared prior to public exhibition of the planning proposal.
- d note that investigation of potential land contamination as described by the Guidelines to State Environmental Planning Policy No.55 must be completed before the public exhibition of the planning proposal and is to inform the master planning of the subject land.
- e receive a further report after the public exhibition period addressing any submissions made in respect of the planning proposal and proposed amendment to the Wagga Wagga Development Control Plan.

Planning Proposal Details

Proposal

Council received a planning proposal (LEP19/0008) to rezone and remove the minimum lot size requirement from lands located at 9 Lockhart Road and 84 Bristol Street, Collingullie. The proposed rezoning is from the RU1 Primary Production zone to RU5 Village zone. The current minimum lot size requirement for the land is 200 hectares.

Council's assessment of the planning proposal has resulted in a recommendation for an addendum to the planning proposal. This would remove a portion of the land included in the submitted planning proposal and include other lands under separate ownership at 39 Bristol Street, Collingullie.

Applicant

Bradley Jenkins for Mo-Ily Holdings

Ownership of lands considered

Lot 1 DP 120715 – Bradley Lenord Jenkins

Lot 39 DP 754561 – Bradley Lenord Jenkins

Lot 5 DP 833514 – Mo-Ily Holdings

Lot 71 DP 1066646 – Mo-Ily Holdings

Lot 20 DP 843207 – Michael Joseph Wakeling

Effect of the Planning Proposal

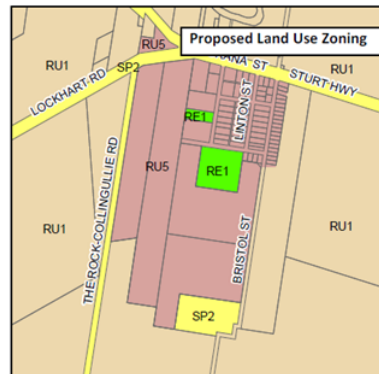
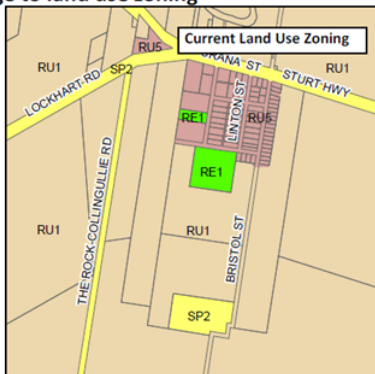
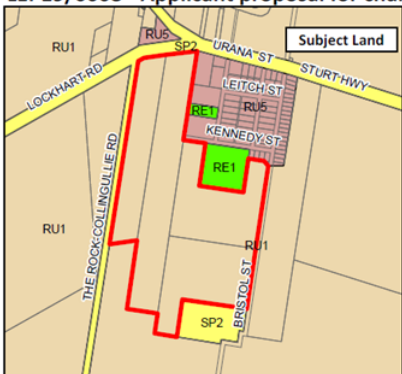
Council is in receipt of an application to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) as it applies to lands located at Collingullie. The planning proposal seeks to:

- Rezone lands from RU1 Primary Production to R5 Village
- Remove the minimum lot size requirement applying to the same lands

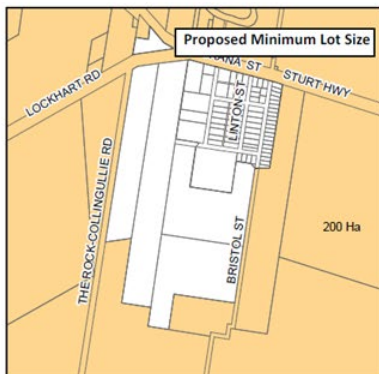
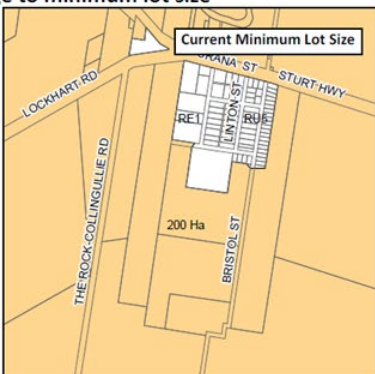
This would permit additional growth of the village of Collingullie, delivered in a manner complementary to the existing types of development in the existing village. This will allow for population growth within Collingullie enhancing possibilities for the retention of local village services and commerce and the ongoing vitality of the village community.

The planning proposal as submitted by the applicant had intended changes to the Wagga Wagga Local Environmental Plan 2010 as illustrated overleaf:

LEP19/0008 - Applicant proposal for change to land use zoning



LEP19/0008 - Applicant proposal for change to minimum lot size

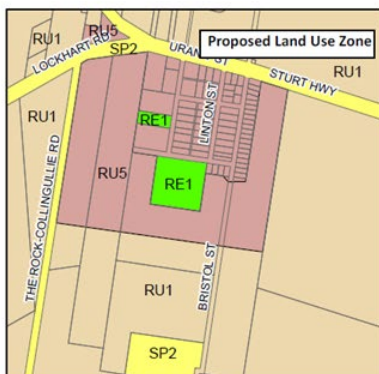
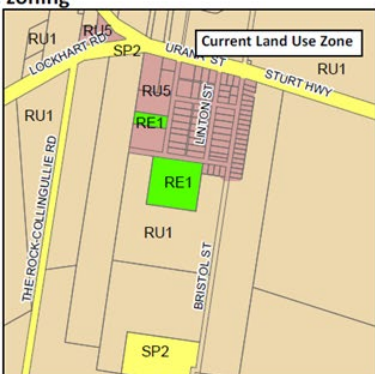


*areas shown blank above do not have a minimum lot size requirement

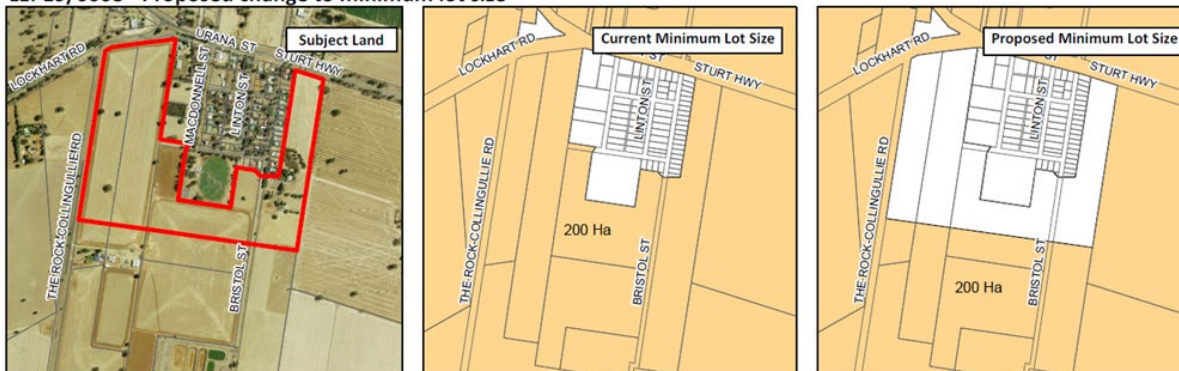
Council's assessment of the planning proposal has determined that an addendum is required to modify the effect of the proposal. This allows the planning proposal to better reflect the intent of the endorsed Wagga Wagga Spatial Plan 2013 and respond to constraints, including the location and capacity of the Collingullie sewerage treatment plant.

The recommended planning proposal for Gateway Determination provides the rezoning and removal of minimum lot size requirements to lands as indicated in the mapping below and overleaf.

LEP19/0008 - Proposed change to land use zoning



LEP19/0008 - Proposed change to minimum lot size



*areas shown blank above do not have a minimum lot size requirement

The following lots are the subject lands for the planning proposal, taking into account the recommended addendum:

Part of Lot 5 DP 833514	84 Bristol Street, Collingullie
Part of Lot 39 DP 754561	9 Lockhart Road, Collingullie
Part of Lot 1 DP 120715	9 Lockhart Road, Collingullie
Part of Lot 20 DP 843207	39 Bristol Street, Collingullie

Assessment of the planning proposal

The planning proposal has been assessed by the strategic planning team. The assessment recommends that rezoning to expand the Collingullie village should be supported in principle. Notwithstanding this, the assessment has also found that the planning proposal to be endorsed for Gateway Determination and pursued to completion should be amended as shown and identified in the previous section of this report.

The assessment of the planning proposal has considered matters identified and detailed below.

1. Providing rural residential development in Collingullie

The Wagga Wagga Spatial Plan 2013 provided strategic direction for the growth of rural townships and villages outside of the main urban centre of Wagga Wagga. These locations are the focus areas within the local government area for future provision of semi-rural and rural large lot residential development. The Wagga Wagga Spatial Plan projected that demand for new dwellings in Collingullie would rise to between 12 and 18 dwellings per annum by 2030.

Residential development on larger lots is supported as a part of a diverse range of housing types offered in the Wagga Wagga local government area and continues to be a housing type desired by many residents of the city. Notwithstanding this, care must be taken to ensure that this provision does not interfere with sound planning outcomes. A large proportion of rural residential development has been offered at the southern edge of the urban area of Wagga Wagga. This creates difficulty and

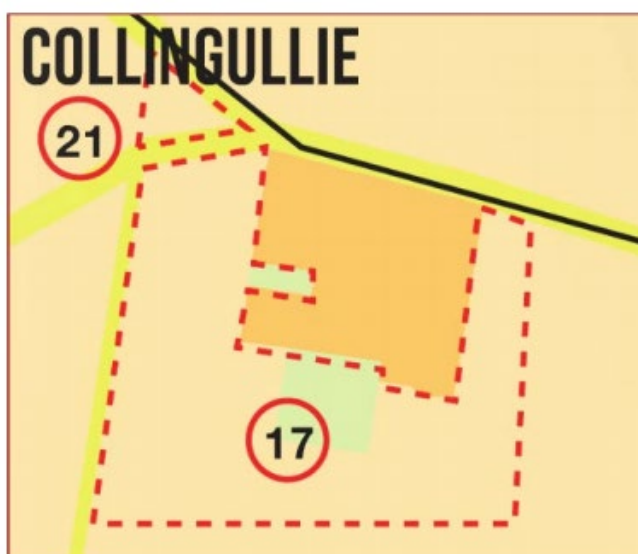
complication in the cost-effective provision of supporting infrastructure, and intensification of residential development at a later time.

The Spatial Plan accounted for this, with the placement of lifestyle-residential development in villages including Collingullie offering several advantages. Placing lifestyle-residential development at Collingullie reduces longer term planning complications caused in the urban fringe areas of Wagga Wagga. It simultaneously provides for population increase in Collingullie to support the ongoing viability of that village and its services. This also makes for more efficient use of the infrastructure installed to support Collingullie. For these reasons the planning proposal is supported and recommended to proceed with amendments previously identified.

2. Endorsed growth area for Collingullie

As foreshadowed in the earlier section of this report, an addendum to the planning proposal is recommended to be consistent with the Wagga Wagga Spatial Plan 2013.

The Wagga Wagga Spatial Plan has provided an area for the growth of Collingullie which is illustrated in the map excerpt from the Spatial Plan document at right of page.



The planning proposal as it was submitted to Council provided for growth of the village to a much greater extent southward than that indicated. This included lands extending all the way to the boundary of the sewage treatment plant servicing the village.

Conversely, the submitted planning proposal did not include lands at the east of Collingullie which the Spatial Plan includes in the Collingullie growth area.

The assessment of the planning proposal has found that an addendum to the planning proposal should be prepared. As detailed in the mapping provided in the earlier section of this report, this reduces the area of land included to the south of Collingullie, whilst including the land to the east of the existing village.

This has the effect of improving the planning proposal in several ways:

- The planning proposal better matches the intent of the Wagga Wagga Spatial Plan 2013 for the growth of Collingullie.
- All lands identified in the Spatial Plan Collingullie growth area are included in a single planning proposal and are not preceded by rezoning of other lands outside the growth area.

- A 400 metre buffer area is provided between the southern extent of the area to be rezoned and the Collingullie sewage treatment plant, to better avoid the possibility of land use conflict than was the case in the planning proposal as submitted.

3. Legacy issues from agricultural land use

The subject land for the planning proposal has historically been used for agricultural activities. Agriculture is a land use identified by NSW guidelines as being a potential cause of land contamination as a result of various farming practices. The guidelines dictate that potential land contamination should be determined and if required, remedied, prior to the land being used for other purposes, so as to avoid exposure of occupants to contamination.

In addition to this direction, Council's Potentially Contaminated Land Register identifies lands at 9 Lockhart Road and 84 Bristol Street, Collingullie as being potentially contaminated as a result of pesticide usage. This is broadly consistent with the use of the land for agricultural purposes in the past.

Investigation of contamination across the entire subject land area will need to be undertaken in accordance with EPA guidelines and the requirements of the Contaminated Land Management Act 1997. This investigation will need to determine that no risk of contamination will exist to forthcoming residential development to be located on the land. If contamination is identified, methods and standards of remediation will need to be identified and undertaken before the rezoning of the lands may be completed. The findings of the contamination investigation will directly inform the development of a master plan for the Collingullie growth area and Development Control Plan amendment to be installed to govern this new development.

Assessment of the planning proposal has found that there is merit in the rezoning of the lands, particularly considering the directions provided by the Wagga Wagga Spatial Plan. In view of this, it is recommended that the addended planning proposal be endorsed for Gateway Determination by the NSW Department of Planning, Industry and Environment with additional consideration of contamination to be made a condition of Council's endorsement.

4. Service capacity and expansion of development

Investigation of service capacity existing in Collingullie, specifically sewer treatment capacity, has taken place to determine the capacity of the Collingullie growth area to sustain new development. These investigations have returned findings supportive of the further development of Collingullie.

At present the Collingullie sewerage treatment plant supports a maximum capacity of approximately 250 Equivalent Tenements (ETs). The Collingullie sewerage treatment plant is an evaporation based system, with two of five constructed ponds currently in use to support a current demand of approximately 75 ETs. This means existing spare capacity is approximately 175 ETs. The Collingullie sewerage treatment plant site has the ability to accommodate a further two evaporation ponds. Current utilisation rates imply that a further 100 ETs could be supported by the additional ponds.

The subject land area for rezoning to RU5 Village zone is 37 hectares in size. Assuming the use of this land at 80% efficiency to deliver rural-residential lots, 175 homes could be catered for if the average size of these new lots is 2100 square metres.

In practice, some lots will be both larger and smaller than this figure. There is a need to provide a range of lot sizes both to respect the subdivision and development pattern in the village but also achieve strategic aims for the local area housing market. Existing lots in Collingullie range in size from approximately 1000 square metres to slightly greater than 2000 square metres. Some lots would be expected to be delivered in the 1000 to 2000 square metre size range. Other lots, particularly where the village transitions to its rural landscape surrounds, should be substantially larger. This will also help achieve strategic housing market objectives for rural-residential development. As per the directions of the Wagga Wagga Spatial Plan and the draft Wagga Wagga Local Strategic Planning Statement, Collingullie is receiving new rural-residential development in lieu of further rural-residential development at the southern fringe of Wagga Wagga. In order to best offer this product within the local housing market, differentiated from general residential lots, lot sizes of 2500 square metres or greater will be best suited. Indeed, many lots at the southern fringe of Wagga Wagga are double this size at approximately 5000 square metres or larger and some supply at this larger size of housing product would be expected in Collingullie in future. Master planning to inform a DCP amendment will ensure these requirements are fulfilled whilst targeting the 2100 square metre or greater average lot size overall.

In view of these factors, master planning of the 37 hectare Collingullie growth area to inform future development will be able to configure future residential growth to achieve full development of the area within the capacity constraints of the sewerage treatment system. In view of this and the current and potential capacity existing within the local sewerage treatment facility, it is considered that there is capacity to undertake the rezoning with a significant margin of safety in place.

It is noted that existing dwellings within the village of Collingullie operate on pressure sewer systems. In future it is preferable to service properties by gravity sewer to a

single consolidated pumping station onward to the Collingullie sewerage treatment plant. The location of a new sewer pump station, most likely in the northern extent of the subject land due to prevailing topography, will be resolved as a part of master planning of the Collingullie growth area following any Gateway Determination granted.

5. Development Control Plan amendment

The rezoning of the subject lands as per the addended planning proposal will add a considerable area of land to the spatial extent of Collingullie township. In support of this there needs to be provision for staging and layout of the new areas to ensure an orderly program of development in the growth area.

The subject land, consistent with the existing village area of Collingullie, is not proposed to receive a new minimum lot size requirement. Assigning appropriate lot sizes should be managed through a DCP amendment.

Additional controls and guiding master planning content for the new development in Collingullie should be provided in the form of an Amendment to the Wagga Wagga Development Control Plan at Section 6.1.1 of that document. This content must be produced prior to public exhibition of the planning proposal and form part of the exhibited materials alongside the planning proposal.

The following items are to be considered and resolved by development of a Development Control Plan amendment for the subject lands:

1. The staging of the development of the subject land, including placement of trunk infrastructure, to ensure appropriate development sequencing and avoid leapfrogging of development.
2. The typical lot size that each stage comprises and the resulting number of lots in each stage, with a view to available service capacity.
3. The provision of road, sewer and stormwater infrastructure to lots provided within the development stages, including connection to trunk infrastructure, at the intensity of development nominated for each stage.
4. Traffic assessment to inform the required design layout and specification for the provision of road access to new residential lots to be developed and the impact of the anticipated new development upon nearby classified road infrastructure.
5. The development transition from the core of the Collingullie township to surrounding agricultural lands and providing effective lot size and design response to this context.
6. The connectivity and presentation of new development areas to and from key locations within Collingullie including the school, commercial establishments and the playing field.

7. Suitability of the subject lands to sustain additional residential development in view of the legacy effects of previous land use, in particular any contamination of the land that may exist, and remediation of these effects as required.

Financial Implications

The planning proposal has originated externally to the organisation. The planning proposal was identified as a medium complexity amendment to the Wagga Wagga Local Environmental Plan 2010 using the grading schema in effect at the time of submission. Council has levied planning proposal fees totalling \$15,000, as per Council's fees and charges.

A further fee payment will be required to be levied following the receipt of a Gateway Determination. This is due to the requirement for a Development Control Plan amendment to be conducted in support of the planning proposal. This requirement was not certain at the time of the planning proposal being submitted to Council, therefore this charge has not been levied to date. The DCP amendment application is classed as a 'Standard' DCP application. The 2020/21 financial year fee payable for this will be \$8,000 (\$3,750 for lodgement of application and \$4,250 for Preparation/processing of Amendment).

The planning proposal foreshadows additional development on the subject land, particularly residential development enlarging the existing extent of Collingullie village. This has implications for future levies payable to Council.

Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 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 the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater.

The Section 7.11 and Section 64 contribution applies to any future development consent on the land.

Policy and Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000
Wagga Wagga Local Environmental Plan 2010
Wagga Wagga Spatial Plan 2013

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

Approval of the proposal may be subject to public scrutiny during the formal public consultation process. This may result in additional pressure on Council to rezone other lands.

The planning proposal is consistent with the Wagga Wagga Spatial Plan 2013 as it applies to Collingullie. A refusal of the planning proposal would meet with pre-Gateway review by the NSW Department of Planning, Industry and Environment and may lead to questioning of Council's commitment to implementing previously endorsed strategic directions and overall community confidence in strategic documents endorsed thereafter.

Internal / External Consultation

The planning proposal has been the subject of standard internal referral processes for planning proposals, including to Council's environmental and engineering personnel.

The planning proposal has been the subject of feedback from Council's environmental section regarding the subject land's proximity to the sewer treatment plant and listing on Council's potentially contaminated land register. The advice recommended a precautionary approach to maintaining distance to the sewerage treatment plant, which has been incorporated into the addendum for the planning proposal.

The advice also reflected the uncertainty regarding the potential for contamination of the subject land noting the previous agricultural use of the land. In view of this, the recommendation of this report incorporates further investigation into the potential contamination of the land in order to establish and address any risk associated with the subject land. This will inform the process of the planning proposal after any Gateway Determination that is issued by the Department of Planning, Industry and Environment.

The planning proposal will undertake public consultation in accordance with the requirements of the Environmental Planning and Assessment Act 1979. A Community Engagement Plan will be developed to guide the conduct of the exhibition period in a manner reflective of the requirements of the Act. Community engagement will not take place until the required amendment to the Wagga Wagga Development Control Plan is developed and ready for exhibition alongside this planning proposal. The Community Engagement Plan will therefore be designed to communicate the DCP amendment outcomes to the community, as development of that amendment nears completion.

	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. LEP19/0008 Planning Proposal received - Provided under separate cover
2. LEP19/0008 Addendum - Provided under separate cover
3. LEP19/0008 Assessment Report - Provided under separate cover

RP-3 PLANNING PROPOSAL LEP19/0008 TO REZONE THE COLLINGULLIE GROWTH AREA

20/424 RESOLVED:

On the Motion of Councillors K Pascoe and R Kendall

That Council:

- a support the planning proposal to amend the Wagga Wagga Local Environmental Plan 2010, subject to the prepared addendum**
- b submit the planning proposal to the NSW Department of Planning, Industry and Environment for Gateway Determination**
- c require a master plan and supporting amendment to the Wagga Wagga Development Control Plan for the Collingullie growth area (including the subject land area) be prepared prior to public exhibition of the planning proposal**
- d note that investigation of potential land contamination as described by the Guidelines to State Environmental Planning Policy No.55 must be completed before the public exhibition of the planning proposal and is to inform the master planning of the subject land**
- e receive a further report after the public exhibition period addressing any submissions made in respect of the planning proposal and proposed amendment to the Wagga Wagga Development Control Plan**

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
D Tout

Against the Motion