

Rezone 9-17 Sturt Street, Wagga from B3 to B4 to enable a multi-storey, mixed use, residential flat building

Proposal Title : **Rezone 9-17 Sturt Street, Wagga from B3 to B4 to enable a multi-storey, mixed use, residential flat building**

Proposal Summary : **To:**
(a) rezone from B3 Commercial Core Zone to B4 Mixed Use Zone,
(b) amend the Height of Building Map from O (16 metres) to T (25 metres), and
(c) amend the Floor Space Ratio Map from T (2:1) to X (4:1),
for 9-17 Sturt Street, Wagga Wagga.

PP Number : **PP_2015_WAGGA_003_00** Dop File No : **15/17608-1**

Proposal Details

Date Planning Proposal Received : **03-Dec-2015** LGA covered : **Wagga Wagga**

Region : **Southern** RPA : **Wagga Wagga City Council**

State Electorate : **WAGGA WAGGA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **9-17 Sturt Street**

Suburb : City : **Wagga Wagga** Postcode : **2650**

Land Parcel : **Lot 1, DP 1121963 and Lot 2, DP 1138428**

DoP Planning Officer Contact Details

Contact Name : **Meredith McIntyre**

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RPA Contact Details

Contact Name : **Crystal Golden**

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DoP Project Manager Contact Details

Contact Name : **Deanne Frankel**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : In 2006, Wagga Wagga City Council approved a development application for a 10 storey building of mixed use with residential, commercial and car parking. Construction did not commence due to the Global Financial Crisis and the development consent lapsed in 2010. In 2010, the Wagga Wagga Local Environmental Plan 2010 was made. It zoned the site B3 Commercial Core which does not allow for mixed use development other than shop top housing. There does not appear to be any strategic reason for the zoning change that occurred in 2010 for this site.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : To amend the LEP to facilitate a higher order development that is suitable to the site.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Amend Land Zoning Map LZN_003F to rezone the subject land from B3 Commercial Core to B4 Mixed Use Zone.
Amend the Height of Building Map HOB_003B from O (16m) to T (25m) for the subject land
Amend the Floor Space Ratio Map FSR_003B from T (2:1) to X (4:1) for the subject land.

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreation Vehicle Areas

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS:

1.1 BUSINESS AND INDUSTRIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed business or industrial zone. The proposal is considered to be **CONSISTENT** with this direction.

2.1 ENVIRONMENT PROTECTION ZONES: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land within an environment protection zone or land otherwise identified for environment protection purposes.

2.3 HERITAGE CONSERVATION: This Direction does apply to the planning proposal as it affects items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance. The proposal is considered to be **CONSISTENT** with this direction.

2.4 RECREATION VEHICLE AREAS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land to be developed for the purposes of a recreation vehicle area.

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted. The proposal is considered to be **CONSISTENT** with this direction.

3.2 CARAVAN PARKS AND MANUFACTURED HOME ESTATES: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land or provisions relating to caravan parks or manufactured home estates.

3.3 HOME OCCUPATIONS: Council has identified that this Direction applies to the planning proposal, however it does not apply as it will not affect land or provisions relating to the permissibility of home occupations in dwelling houses.

3.4 INTEGRATING LAND USE AND TRANSPORT: This Direction does apply to the planning proposal as it will create/alter/remove a zone/provision relating to urban land. The proposal is considered to be **CONSISTENT** with this direction.

4.3 FLOOD PRONE LAND: This Direction does apply to the planning proposal as it will

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create, remove or alter a zone or a provision that affects flood prone land.

The proposal is considered to be **INCONSISTENT** with this direction as it contains provisions that apply to the flood planning area that:

permit development in floodway areas

permit development that will result in significant flood impacts to other properties

permits a significant increase in the development of that land

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.

4.4 PLANNING FOR BUSHFIRE PROTECTION: This Direction does apply to the planning proposal as it will affect/is in close proximity to land mapped as bushfire prone land.

RECOMMENDATION: The Secretary can be satisfied that the requirements of the Direction have been met. A condition should be included in the Gateway determination that consultation should be undertaken with the Rural Fire Service in accordance with the Direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS: Council has identified that this Direction applies to the planning proposal, however, it does not apply as it does not include provisions that require the concurrence, consultation or referral of development applications to the Minister or a public authority.

6.2 RESERVING LAND FOR PUBLIC PURPOSES : Council has identified that this Direction applies to the planning proposal, however, it does not apply as it does not create/alter/reduce existing zonings or reservations of land for public purposes and requires the approval of the relevant public authority and the Secretary of the Department.

6.3 SITE SPECIFIC PROVISIONS: This Direction does apply to the planning proposal as it allows a particular development to be carried out.

The proposal is considered to be **CONSISTENT** with this direction.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping is adequate for exhibition purposes. Technical LEP amendment maps will be required prior to completing the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes a 28 day exhibition.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Wagga Wagga Local Environmental Plan 2010**

Assessment Criteria

Need for planning proposal : **Council has been approached about a future development application for the site that involves the development of an approximately 6 storey mixed use building that includes commercial, residential and car parking development. The current zoning does not permit such a development on the site, despite a previous approval for a similar development that lapsed in 2010.**

Consistency with strategic planning framework : **The proposal is not inconsistent with the Community Strategic Plan. The proposal is consistent with the Riverside Masterplan (2010) as it increases the floor space ratio, increases activity and housing choice, creates mixed use on the vacant land, and is considered "suitable development" as per the masterplan for this site.**

The proposal is consistent with Council's Secretary-endorsed Spatial Plan 2013-2043.

Environmental social economic impacts :

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Wagga Wagga City Council_03-12-2015_Planning Proposal to rezone and amend the Height and Floor Space Ratio for 9-18 Sturt Street Wagga Wagga_.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : It is **RECOMMENDED** that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Wagga Wagga Local Environmental Plan 2010 to rezone the subject land to B4 Mixed Use Zone and amend the Height of Buildings Map and Floor Space Ratio Map to T (25m) and X (4:1) accordingly.

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * Office of Environment and Heritage (s117 Direction 2.3 (Heritage) and Direction 4.3 (Flooding))
- * NSW Rural Fire Service (s117 Direction 4.4)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying

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land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

6. SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4. Integrating Land Use and Transport, 4.3 Flood Prone Land, 6.3 Site Specific Provisions.

(b) The Secretary's delegate can be satisfied that the planning proposal will be consistent with s117 Direction 4.4 Planning for Bushfire Protection, when Council has consulted with the Rural Fire Service prior to undertaking community consultation;

(d) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(e) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

7. The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

This is a relatively minor proposal. It is consistent with the land use in place prior to the new principal LEP. There is no compelling reason for this change of policy not to proceed. It is consistent with the Council's local strategic planning work.

Signature:



Printed Name:

Deanne France

Date:

18/12/15

