

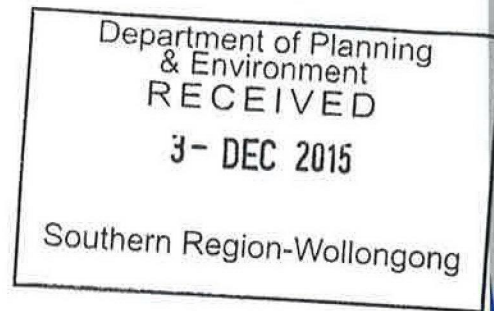
Ref: Strategic Planning
Contact: Dave Mc Donald



PWG002499

30 November 2015

Mr Brett Whitworth
Regional Director, Southern Region
Department of Planning and Environment
PO Box 5475
WOLLONGONG NSW 2520



Dear Brett

Submission of Planning Proposal to amend Wagga Wagga Local Environmental Plan 2010 (WWLEP) – To rezone and amend the Height and Floor Space Ratio for 9 – 17 Sturt Street, Wagga Wagga

At an Ordinary Council meeting held on 23 November 2015, the Wagga Wagga City Council (WWCC) resolved to request a Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to amend the WWLEP 2010.

It is requested that the Minister allow the General Manager of WWCC delegation for the making of this LEP amendment. A response to the '*Evaluation criteria for issuing of an Authorisation*' is attached to this letter.

The planning proposal seeks to rezone land, amend the height and floor space ratio for 9 -17 Sturt Street, Wagga Wagga.

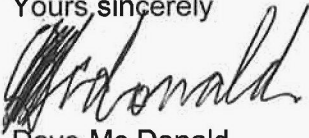
Please find enclosed a copy of the following for your information:

- The Council Report;
- Minutes of the Council meeting;
- The Planning Proposal and attachments, prepared in accordance with Section 55 of the *Environmental Planning & Assessment (EP&A) Act 1979* and *A guide to preparing planning proposal*;
- 'Information checklist' of the Department of Planning and Infrastructure's (DOPI) *Guide to preparing planning proposals*; and
- 'Evaluation criteria for the issuing of an authorisation' of the DOPI's *Guide to preparing local environmental plans*.

In accordance with section 56(1) of the EP&A Act, it is requested that the Minister issue a Gateway Determination in support of the attached planning proposal.

Should you require any further information or have any questions about this matter, please contact me on telephone (02) 6926 9555.

Yours, sincerely

A handwritten signature in black ink, appearing to read 'McDonald', written over the typed name.

Dave Mc Donald
Strategic Town Planner

PSRP-8 PLANNING PROPOSAL TO REZONE AND AMEND THE HEIGHT OF BUILDING AND FLOOR SPACE RATIO FOR 9 - 17 STURT STREET WAGGA WAGGA**Author: McDonald, David****Director: Crakanthorp, Andrew****Recommendation****That Council:**

- a resolve to support the planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 for the site known as 9 – 17 Sturt Street, Wagga Wagga**
- b submit the planning proposal to the Department of Planning and Environment for a Gateway Determination**
- c seek delegation under the *Environmental Planning and Assessment Act 1979* in relation to making the amendment**

Executive Summary

The planning proposal was received on 7 August 2015 for 9 – 17 Sturt Street. The proposal is to rezone the land owned by Shatsui Pty Ltd from B3 Commercial Core Zone to B4 Mixed Use. It is also proposed to amend the Height of Building Map from O (16m) to T (25m) and the Floor Space Ratio map from T (2:1) to X (4:1).

This amendment is implementing the strategic directions of Council as adopted in the Spatial Plan 2013/2043 and the Riverside Strategic Master Plan. The LEP amendment is important to implementing the actions.

Background

In 2006 Council approved a development application for a 10 storey building comprising of 26 apartments, two (2) ground floor shops or offices, a car park for 64 vehicles and retaining the existing dental practice at 9 Sturt Street. Due to financial reasons the development was never built. The development application lapsed on 13 May 2010.

On 11 July 2015 a representative from Shatsui Pty Ltd met Council officers to discuss uses appropriate for 9 – 17 Sturt Street, including residential apartments, offices and a coffee shop. A B3 Commercial Core zoning prohibits the development of residential accommodation, with the current Wagga Wagga LEP 2010 floor space ratio and height of building being quite restrictive. A B4 Mixed Use zoning allows for a broader range of residential development opportunities. Officers advised that on completion of a Residential Strategy consideration will be given to amending the Wagga Wagga LEP 2010.

On 28 July 2015 the same representative met Council officers to discuss the possibility of lodging an application to amend WWLEP 2010. The financial viability of developing the site will only be possible with a larger residential component. The zoning needs to allow ground floor retail and upper floor residential accommodation. Officers advised that an application needs to be lodged by 31 July 2015.

Planning Proposal

On 7 August 2015 an application was lodged on behalf of Shatsui PTY LTD. The site is located at 9 – 17 Sturt Street, backing onto the Murrumbidgee River, between Romano's Hotel and Kilnacrott apartments. A dental practice is located at 9 Sturt Street.

The application site comprises of Lot 1 DP1121936 and Lot 2 DP1138428.

The proposed amendment to the WWLEP 2010 is to: -

- a. Rezone the site from B3 Commercial Core Zone to B4 Mixed Use.
- b. Amend the Height of Building Map from O (16m) to T (25m).
- c. Amend the Floor Space Ratio map from T (2:1) to X (4:1).

The proposed outcomes will be achieved by amending the WW LEP Land Zoning Map LZN_003F, Height of Building Map HOB_003B and Floor Space Ratio Map FSR_003B.

Considerations

Wagga Wagga Spatial Plan 2013/2043

The Wagga Wagga Spatial Plan is a key strategic document for the City of Wagga endorsed by the Minister for Planning. It contains a number of key actions to be addressed to ensure the city develops in a way to ensure the goals of the Community Strategic Plan are met.

The implementation of the Riverside Master Plan is specifically referenced in the Spatial Plan on Page 81 with the following action:

“To review city centre zones abutting riverside as necessary to accommodate known uses”.

Without implementing the actions of the Spatial Plan and the Riverside Master Plan there is significant risk of development being incompatible with the master plan. See the section below outlining the key outcomes for the site as contained in the Riverside Master Plan.

This amendment has been supported by staff as it is a direct response to the abovementioned action. In this instance there is a risk that if the current zoning was maintained then uses could be approved that could prejudice the vision and desired outcomes for the location as expressed in the Riverside Master Plan. The amendment is deemed necessary to prevent inappropriate development occurring on the site and to encourage and facilitate development that is consistent with Council's vision for Riverside.

B4 Mixed Use Zoning

A B4 Mixed Use zone allows for mixed use development but with greater opportunities for residential accommodation than a B3 Commercial Core zone. The

B3 Commercial Core zone permits shop top housing and other mixed uses, but not multi storey apartments.

Site Specific Development Controls

Site specific Development Control Plan (DCP) provisions need to be prepared for the site. These provisions will ensure an appropriate commercial frontage to Sturt Street. Guidance also needs to be provided regarding building height, scale and ways to minimise visual impacts on nearby buildings. The building design needs to take into consideration site constraints and how to enhance the interface between a proposed building and the riverside. The provisions will also provide guidance about setbacks, landscaping and open space.

Cadell Place

Any proposal for the site will need to take into consideration the need for improved links from Sturt Street to the levee, particularly along Cadell Place. As a separate matter Council will need to consider improving linkages from properties along Fitzmaurice Street to Cadell Place and the Murrumbidgee River.

Strategic Riverside Masterplan

The Wagga Wagga Riverside Masterplan (adopted in 2010) contains the following proposals for the site: -

- The need to revitalise the land between the river bank and the urban fabric.
- Improving linkages from Sturt Street to the riverside / levee.
- Increasing Floor Space Ratio requirements to allow for sufficient open space and to create a transition from the urban fabric to the river.
- Improving the quality of open space between the site and the levee.
- Landscaping the space between the levee and the built environment.
- Including a small commercial space at the upper parking level over the entrance to the car park.
- Enhancing pedestrian amenity, access and safety of the area.
- Improving urban permeability of the area.
- Creating a small plaza between the site and buildings next to Cadell Place.
- Staggering the front setback with landscaping along the boundary with Sturt Street.

Traffic

There is no need for a traffic study. The previous Development Application was accompanied by a traffic study. Any further application will be required to lodge a traffic study.

Budget

N/A

Policy

Environmental Planning and Assessment Act 1979.

Wagga Wagga Local Environmental Plan 2010.

Wagga Wagga Spatial Plan 2013.

Wagga Wagga Riverside Master Plan 2010.

Impact on Public Utilities

There are unlikely to be any stormwater capacity issues.

There are potential sewer capacities issues, but this can be addressed at Development Application stage.

Link to Strategic Plan

4. We have a sustainable natural and built environment

4.2 We plan for resilient and sustainable built environments

QBL Analysis

	Positive	Negative
Social	Developing the site will increase the supply of residential accommodation close to the Wagga Wagga Central Business District.	If the site remains undeveloped it could pose a risk to employees of the adjoining dental practice business who use the land as a car park. The site is temporary fenced, but if staff enter the site they could injure themselves on uneven surfaces and discarded building material.
Environmental	Developing the site will provide opportunities to enhance the area.	The site is affected by overland flooding from the Murrumbidgee River and contains hydrocarbon contamination in the ground and groundwater. Without mitigating measures being implemented the potential for flooding and health impacts from the ground and ground water contaminants will continue. This should be addressed by current work being undertaken on increasing the 1:100 year flood levy.
Economic	If approved and ultimately developed, a significant number of local construction jobs will be created.	If the site remains undeveloped, it has the potential to degrade the area because of negative visual impacts. There could be associated negative economic

	Positive	Negative
		impacts on adjoining businesses and flats.
Governance	If Council resolves to support the planning proposal, the application will be submitted to the Department of Planning & Environment for Gateway Determination.	There are no negative governance impacts provided council follows the regulations and departmental requirements for Planning Proposals.

Risk Management and Work Health and Safety Issues for Council

There are no specific issues identified.

Internal / External Consultation

Consultation with Council's internal LEP working group occurred on 8 September 2015 where concerns were raised about potential impacts on Cadell Place, adjoining buildings and the Riverside. Draft site specific (DCP) controls that guide the future development of the site will minimise any impacts.

A Council workshop was held on 19 October 2015 where comments were made about expanding the area of the rezoning; the meaning of character; the land use table for a B4 zone not permitting tourist accommodation; developing over Cadell Place; communicating the DCP provisions; the need to review business zones and the vision for the Sturt Street / Fitzmaurice Precinct being consistent with the DCP and LEP. Several of these issues have been dealt with in the attached Planning Proposal.

Attachments

1. Planning Proposal Amendment WWLEP 2010
2. Proposed Precinct Specific DCP Provisions

Wagga Wagga City Council

Planning Proposal

Amendment to the Wagga Wagga Local Environmental Plan 2010

Planning Proposal 2015/2:

9 – 17 Sturt Street – Zoning, Height & Floor Space Ratio

Rezone from B3 Commercial Core Zone to B4 Mixed Use, Amending the Height of Building Map from O to T and amending the Floor Space Ratio Map from T to X.

Date of Planning Proposal:
October 2015

Contact:
Dave McDonald
Strategic Town Planner
Wagga Wagga City Council
Phone: 1300 297 442
Email: council@wagga.nsw.gov.au

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INTRODUCTION

In accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, this planning proposal has been prepared to amend provisions of the Wagga Wagga Local Environmental Plan 2010 (WWLEP). The planning proposal has been prepared in accordance with the NSW Department of Planning and Environment's Guideline 'A guide to preparing planning proposals'.

A Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* is requested.

This planning proposal contains one (1) item to amend the Wagga Wagga Local Environmental Plan 2010 mapping.

The item included in the Planning Proposal has been supported by Council. A copy of the report and minutes is included in Appendix 2.

Council is seeking delegations to make this plan as the matters contained in the Planning Proposal are considered to be of local significance. The evaluation criteria for the delegation of plan making functions checklist is included in Appendix 3. In addition, the completed Information Checklist is provided in Appendix 4.

BACKGROUND

In 2006 Wagga Wagga City Council approved a Development Application (DA05/1052) for the construction of a 10 storey building. The building comprised of 26 apartments, 2 ground floor shops or offices; and a ground and first floor car park for 64 vehicles.

The building was not constructed due to increased building costs in 2007 / 2008 after the Global Financial Crisis. The development consent was extended, but expired on 13 May 2010.

ADDRESS OF LAND

The site is located at 9 – 17 Sturt Street, Wagga Wagga.

The relevant lot and Deposited Plan information and extent of each property is described in below.

Lot	Deposited Plan (DP)	Meters Square
1	1121936	22.8
2	1138428	2583

EXISTING LAND USES

The site is located in the northern Central Business Area (CBD). A double storey dental practice is located on the south eastern part of the site (refer to the below aerial photograph). The property backs onto the Murrumbidgee River, between Romano's Hotel to the south west and Kilnacrott apartments immediately to the east. The Kilnacrott apartment block contains 22 Strata Title residential units.



Site Location



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to amend the Wagga Wagga Local Environmental Plan (WWLEP) 2010 zone map and amend the height and floor space ratio maps to facilitate a higher order development that is suitable to the site.

PART 2 – EXPLANATION OF THE PROVISIONS

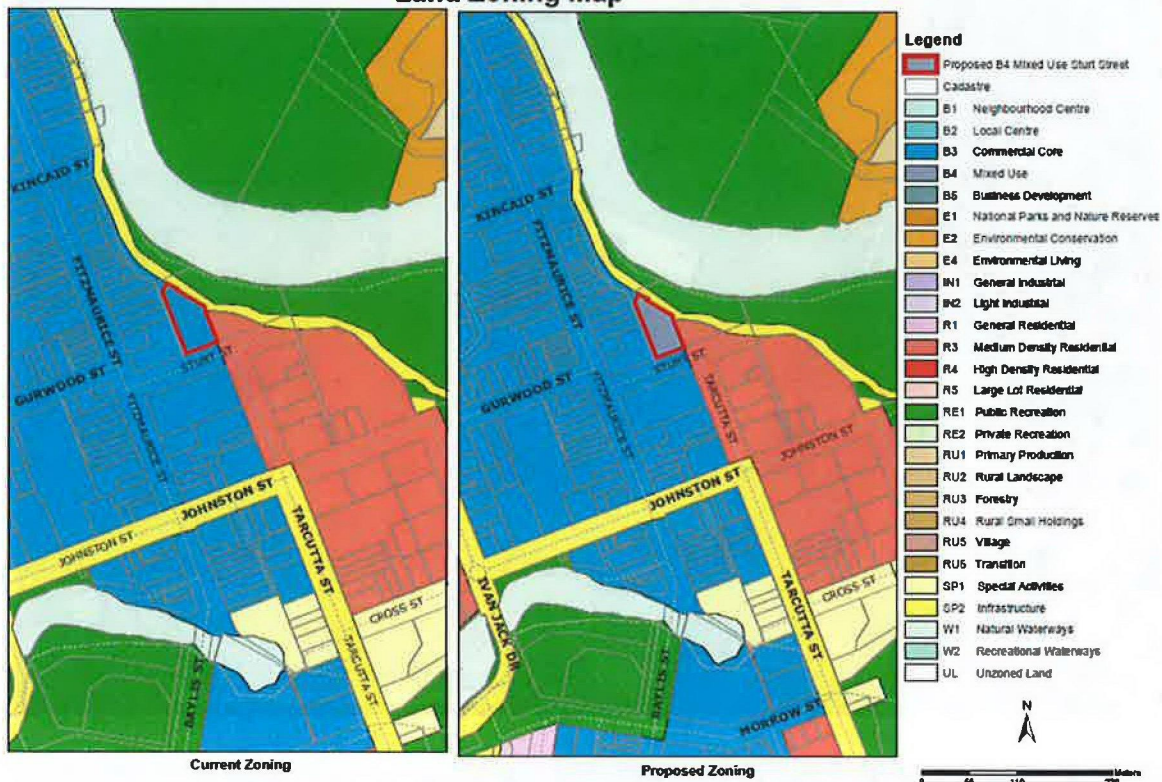
The WWLEP 2010 will be amended as set out below:

Map to be amended	Nature of map amendment
Land Zoning Map LZN_003F	Amend the Zoning Map from B3 Commercial Core Zone to B4 Mixed Use.
Height of Building Map HOB_003B	Amend the Height of Building Map from O to T (16m to 25m).
Floor Space Ratio Map FSR_003B	Amend the Floor Space Ratio map from T to X (2:1 to 4:1).

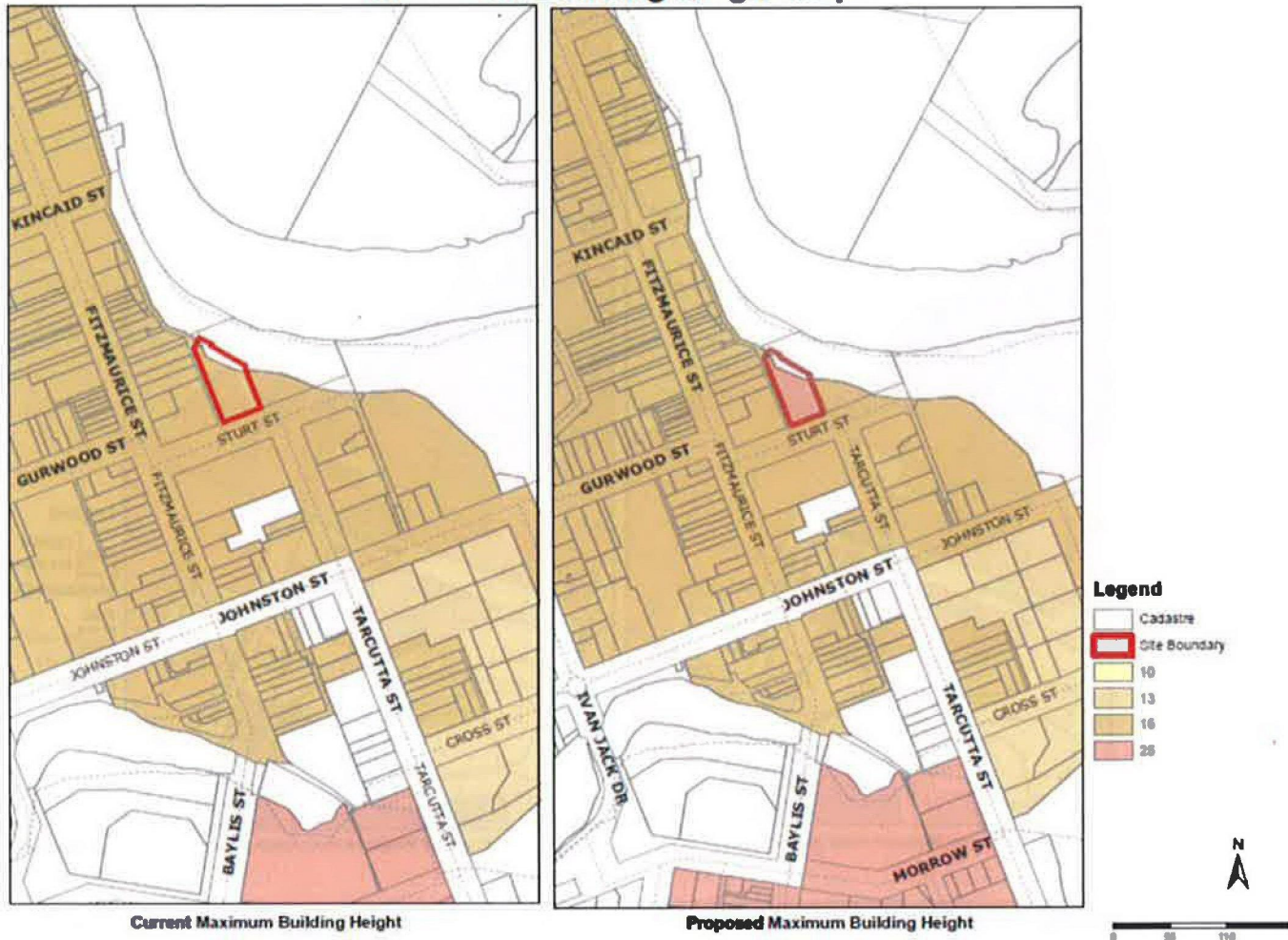


The proposed outcomes will be achieved by amending the WW LEP Land Zoning Map LZN_003F, Height of Building Map HOB_003B and Floor Space Ratio map FSR_003B as indicated by the indicative maps provided below:

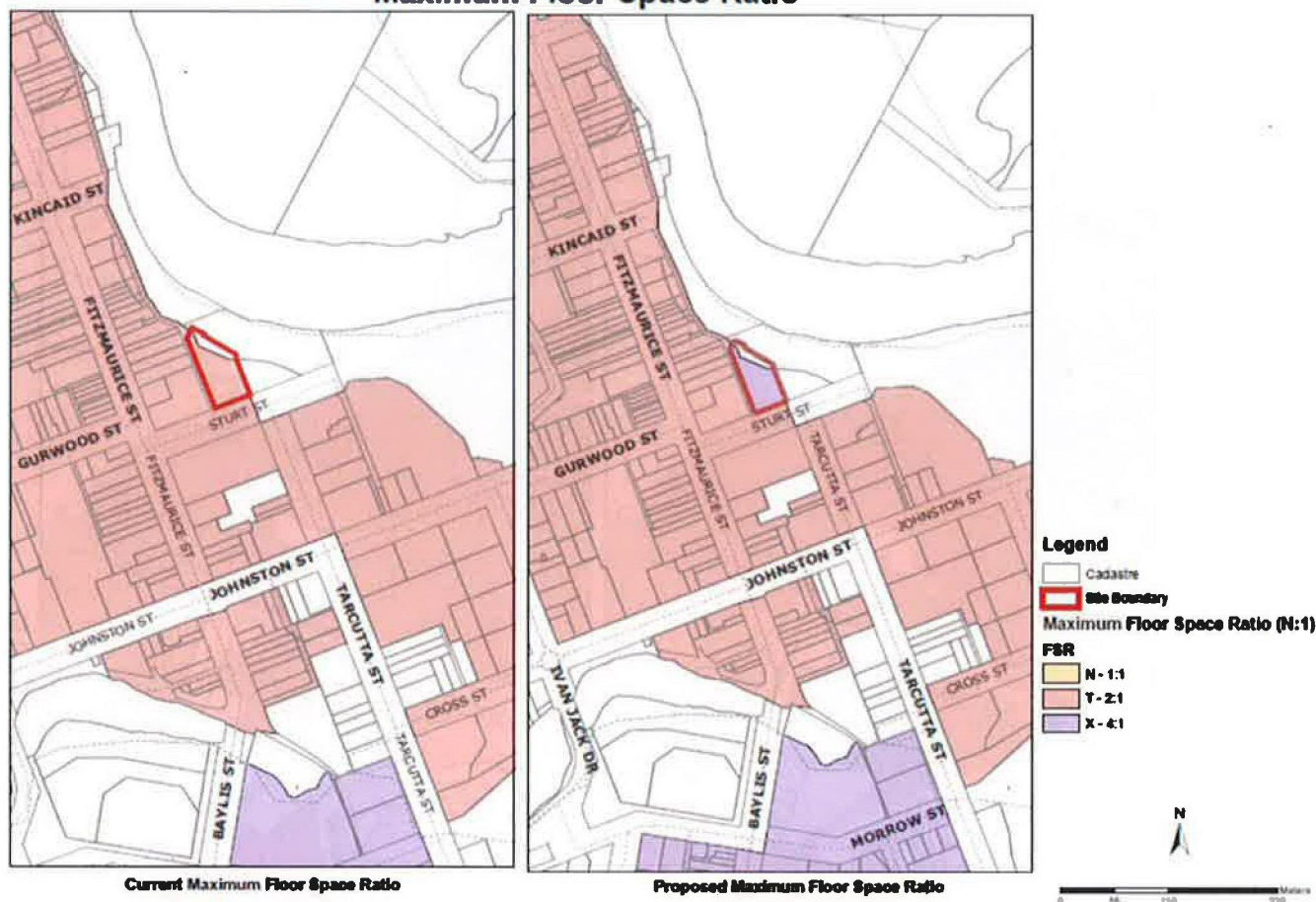
Land Zoning Map



Maximum Building Height Map



Maximum Floor Space Ratio



PART 3 – JUSTIFICATION

A B4 Mixed Use zone allows for mixed use development but with greater opportunities for residential accommodation than a B3 Commercial Core zone. A B3 Commercial Core zone permits shop top housing and other mixed uses, but not multi storey apartments.

The Wagga Wagga Spatial Plan is a key strategic document for the City of Wagga endorsed by the Minister for Planning. It contains a number of key actions to be addressed to ensure the city develops in a way to ensure the goals of the Community Strategic Plan are met.

The implementation of the Riverside Master Plan is specifically referenced in the Spatial Plan on Page 81 with the following action:

“To review city centre zones abutting riverside as necessary to accommodate known uses”.

Without implementing the actions of the Spatial Plan and the Riverside Master Plan there is significant risk of development on the site being incompatible with the master plan. See section below outlining the key outcomes for the site as contained in the Riverside Master Plan.

This amendment is a direct response to facilitate the actions identified in the Wagga Wagga Spatial Plan. In this instance there is a risk that if the current zoning was maintained then



uses could be approved that could prejudice the vision and desired outcomes for the location as expressed in the Riverside Master Plan. The amendment is deemed necessary to prevent inappropriate development occurring on the site and to encourage and facilitate development that is consistent with Council's vision for Riverside.

Precinct Specific Development Control Plan (DCP) Provisions

Specific (DCP) provisions have been prepared for the site to support the amendment to the LEP. These provisions are provided in Appendix 2 as part of Council's Policy and Strategy report.

Height

In terms of increasing the maximum building height from 16 metre to 25 meters, a Development Application previously approved for the site was for a 7 storey building comprising of residential & business (ground floor) & parking (first floor). The total height was total 31 metres.

This amendment will allow a building with a height less than that previously approved. The maximum height will be comparable with Kilnacrott apartments a 6 storey residential flat building with a height of 19 metres. The height of a potential development will be comparable with Kilnacrott apartments immediately to the east.

Floor Space Ratio (FSR)

Increasing the FSR from 2:1 to 4:1, together with the increased height provides for flexibility of design and density of the residential component. The Riverside Masterplan supports increasing the FSR for Fitzmaurice Street and Cadell Place.

Section A – Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not a result of any strategic study or report. The planning proposal consists of three amendments to the WWLEP maps.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, this planning proposal is the only way to achieve the intended outcomes as an LEP amendment is required. An amendment to the WW LEP will facilitate a higher order use of the site consistent with Council's Spatial Plan.

An area wider than the site has not been considered for rezoning to B4 Mixed Use. This is the only vacant site in Cadell Place and although part of a broader commercial precinct, the site, as mentioned in Part 3, is important to implementing the actions of the Spatial Plan and the Riverside Master Plan.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?



Not applicable. There are no regional plans or strategies that apply to Wagga Wagga Local Government Area.

Is the planning proposal consistent with the council's local strategy or other local strategic plan?

Community Strategic Plan

The Planning Proposal is consistent with Council's Ruby and Oliver Community Strategic Plan. The proposed rezoning and amendments to the height and floor space ratio maps will potentially allow for a multi storey development on the site. The construction of retail shops fronting Sturt Street and flats above is consistent with the Community Strategic Plan goals of 'we are happy with our standard of living' and 'our community grows'. The measures for the goals include employment creation and investing in the community. Developing the site will create jobs during and after construction and housing options in an area close to the Wagga Wagga Central Business District.

Riverside Masterplan

The Planning Proposal is consistent with the Riverside Wagga Wagga Strategic Masterplan. The site is located in the Hampton Terraces Precinct where there are a number of recommendations specific to this vacant land:

- Increase the floor space ratio to allow for open space and create transition with dominant built structures;
- Make use of the underutilised space to increase activity and housing choice;
- Investigate mixed-use or residential uses on the vacant areas;
- Increase floor space ratios, densities and activity along Cadell Place to incorporate cafes, bars, accommodation and gallery spaces;
- Encourage the suitable development of the vacant site on the corner of Cadell Place and Sturt Street.

The development of the site needs to interact directly with the levee top and utilises the level difference to incorporate semi-basement car parking.

Further recommendations relate to the provision of commercial spaces at an upper parking level and the use of the space between the car park entrance and the levee to enhance pedestrian amenity, access and safety of the area.

Spatial Plan 2013 – 2043

The Planning Proposal is consistent with the following objectives of Council's Spatial Plan 2013 – 2043: -

- Provide opportunities for the community to be informed and involved on decisions impacting on them

The Planning Proposal will be placed on public exhibition.

- We plan for resilient and sustainable built environments



Developing the site will improve housing choice and affordability.

- We are happy with our standard of living

Developing the site has the potential to provide smaller housing types and promote affordable housing close to services.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with relevant State Environmental Planning Policies (SEPP).

Consistency with applicable SEPPs	
SEPP 55 – Remediation of land	An Environmental Site Audit Statement prepared in 2009 identified that the site contains some hydrocarbon contamination in the ground and groundwater. The accredited auditor established that the site is suitable for residential use on the upper floors if the building design incorporates a passive vapour barrier and pavement of most of the site.

Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The following directions are not applicable to the Wagga Wagga Local Government Area:

- 1.4 Oyster Aquaculture
- 2.2 Coastal Protection
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast
- 5.4 Commercial and Retail Development along the Pacific Highway, North Coast
- 5.8 Second Sydney Airport: Badgerys Creek
- 5.9 North West Rail Link Corridor
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Relevant directions are assessed against the proposed amendments in the table below:

S117 Direction	Consistency?
1.1 Business and Industrial Zones	The proposal is consistent with the direction as commercial premises are permitted in a B4 Mixed Use Zone. The proposal retains a business zone on the site. In addition the proposal increases the potential floor space area for employment uses and related public services in a business zone by increasing the floor space ratio.



1.2 Rural Zones	This direction does not apply as the planning proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	This direction does not apply as it does not prohibit the extraction of coal, other minerals, petroleum and extractive materials.
1.5 Rural Lands	This direction does not apply as it does not affect land within an existing or proposed rural or environmental zone.
2.1 Environment Protection Zones	The planning proposal is consistent with this direction as it does not reduce the environmental protection standards that apply to the land.
2.3 Heritage Conservation Zones	This Directive is relevant given that the subject site is located within the Wagga Wagga Conservation Area in LEP 2010 planning. The Wagga Wagga Court house listed in Schedule 5 Environmental Heritage of the LEP is located directly opposite the site. The proposal is consistent with this direction as it does not propose to alter provisions relating to items, areas, objects or places or environmental heritage or Indigenous heritage significance. It is recommended that the Planning Proposal be referred to Council's Heritage Advisor and the Office of Environment and Heritage for comment. This should occur post Gateway and before the public consultation process.
2.4 Recreation Vehicle Areas	This planning proposal is consistent with this direction as it does not enable land to be developed for the purposes of a recreation vehicle area.
3.1 Residential Zones	The proposal is consistent with the direction. Residential accommodation is permitted in a B4 Zone. Developing the site will increase the supply of housing options.
3.2 Caravan Parks and Manufactured Home Estates	The planning proposal is consistent with this direction as it retains provisions that permit development for the purpose of a caravan park.
3.3 Home Occupations	The proposal is consistent with the direction. Home occupations are permissible without consent in a B4 Mixed Use zone.
3.4 Integrating Land Use and Transport	The planning proposal is consistent with the direction. The site is located close to public transport services and close to community facilities. Close proximity to the Central Business District will encourage residents to walk and cycle, making less use of motor



	vehicles.
3.5 Development near Licensed Aerodromes	This direction does not apply as the planning proposal does not propose to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	This direction does not apply as the planning proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and / or adjoining an existing shooting range.
4.3 Flood Prone Land	The proposal is inconsistent with the directive. The site is affected by overland and riverine flooding. According to the Wagga Wagga Detailed Flood Model Revision (August 2014), the March 2012 and August 1974 floods exceeded 10.5 m at Wagga. The levee affording adequate flood protection to stop inundation of the southern and main part of town. Council at a meeting held on 13 July 2015 resolved to proceed with the construction of the Main City Levee to provide a 1 in 100 year level of protection. The levee will provide 900mm freeboard for the site in a 1 in 100 year flood. The Planning Proposal will need to be referred to the Office of Heritage and Environment (OHE) for comment post Gateway.
4.4 Planning for Bushfire Protection	This Direction is relevant as the site is identified as bushfire prone land. A bushfire assessment and compliance report identifies the site as an Inner Protection Area where no easily combustible structures bushfire vegetation or other items should be allowed to be accumulated within the area. The risks from bushfire can readily be minimised. Despite there being minimal bushfire risks, the Planning Proposal will need to be referred to the NSW Rural Fire Service (RFS) for comment post Gateway. This should occur prior to public consultation.
6.1 Approval and Referral Requirements	The planning proposal is consistent with this direction as it does not include provisions that require the concurrence, consultation or referral to a Minister or public authority.
6.2 Reserving Land for Public Purposes	The planning proposal is consistent with this direction as it does not create, alter or reduce



	existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	This direction is not applicable as the planning proposal does not contain any site specific provisions.

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No critical habitats or threatened species, populations or ecological communities will be affected by the planning proposal. The site is currently vacant and does not contain any trees or vegetation.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Potential impacts from overland and riverine flooding, bushfire and land contamination will be adequately mitigated. Potential environmental effects will therefore be minimised.

How has the planning proposal adequately addressed any social and economic effects?

Rezoning the land to B4 Mixed Use and amending the height and floor space ratio maps in the WWLEP 2010 will facilitate a development appropriate for Sturt Street. There will be positive impacts for schools, hospitals or retail centres in the area. Comments will need to be obtained from Council's Heritage Advisor to establish any impacts on the conservation area, Court House and other listed buildings. This also applies to potential Aboriginal items. The amendment to the WWLEP will benefit the overall Wagga Wagga community by providing an increase supply of housing options.

Section D – State and Commonwealth interests.

Is there adequate public infrastructure for the planning proposal?

Yes, there is adequate existing public infrastructure in the area.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities will also be sought once the Gateway Determination has been issued.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps:

Land Zoning Map

- LZN_003F



Height of Building Map

- HOB_003B

FSR Map

- FSR_003B

Council requests the ability to lodge the template maps at S59 stage rather than prior to exhibition. The maps provided in Appendix 1 are detailed enough for public exhibition purposes.

Maps for Public Exhibition purposes are provided in Appendix 1.

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal will be placed on public exhibition and a notice placed in the local newspaper. Affected and adjoining land owners will also be notified of the Planning Proposal. Whilst this planning proposal is considered to be minor in nature, it is considered that a 28 day exhibition period is more suitable.

The public consultation process will only occur once comments have been received from following Government agencies:

- NSW Rural Fire Service
- NSW Office of Environment and Heritage

PART 6 – PROJECT TIMELINE

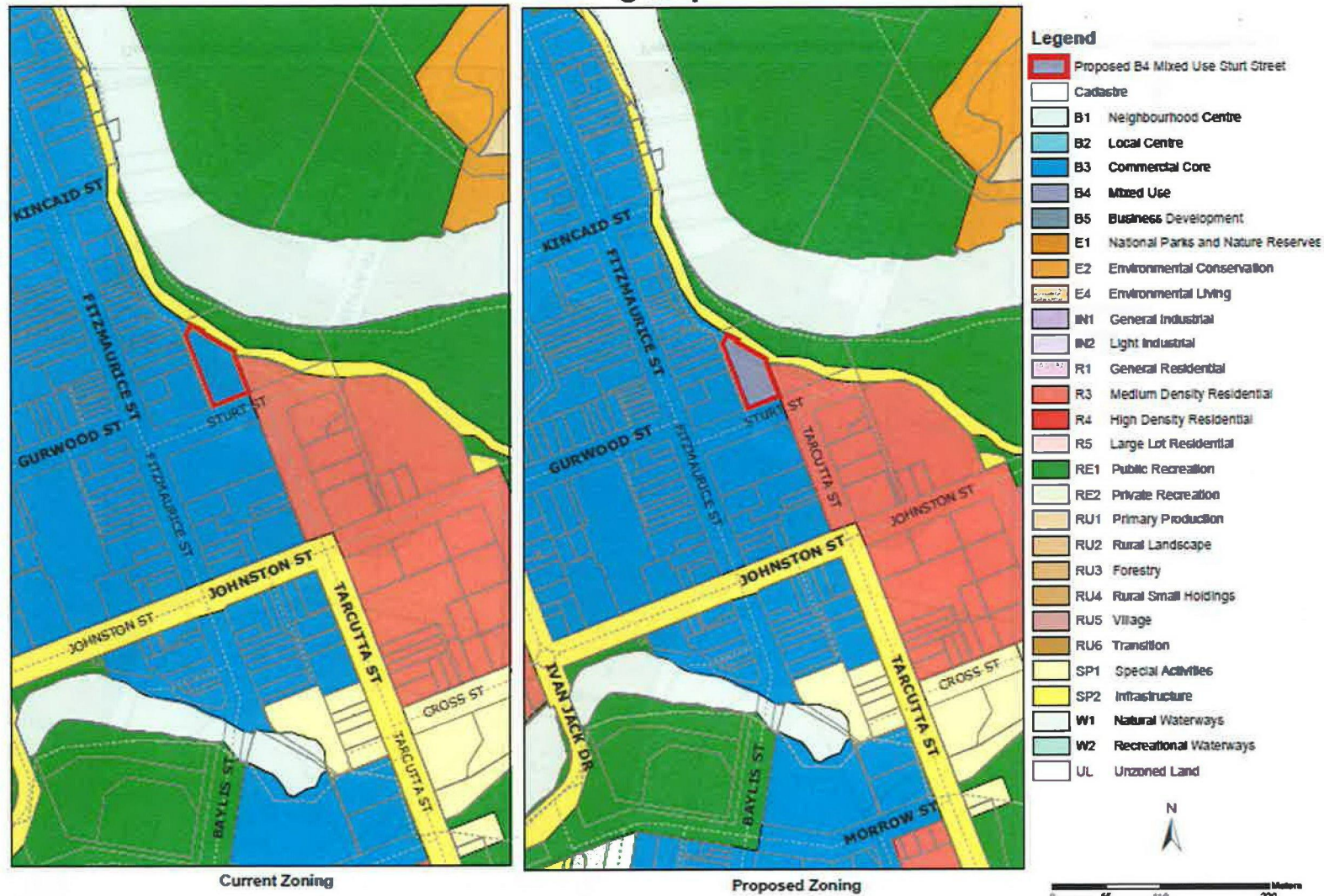
STAGE	TIMING
Anticipated commencement date	November 2015
Anticipated timeframe for completion of required technical information	December 2015
Timeframe for government agency consultation	January 2016
Commencement and completion dates for public exhibition period	February 2016
Dates for public hearing	April 2016
Timeframe for consideration of submissions	May 2016
Timeframe for consideration of a proposal post exhibition	June 2016
Date of submission to the Department to finalise the LEP	July 2016
Anticipated date RPA will make the plan	August 2016
Anticipated date RPA will forward to the Department for notification	August 2016



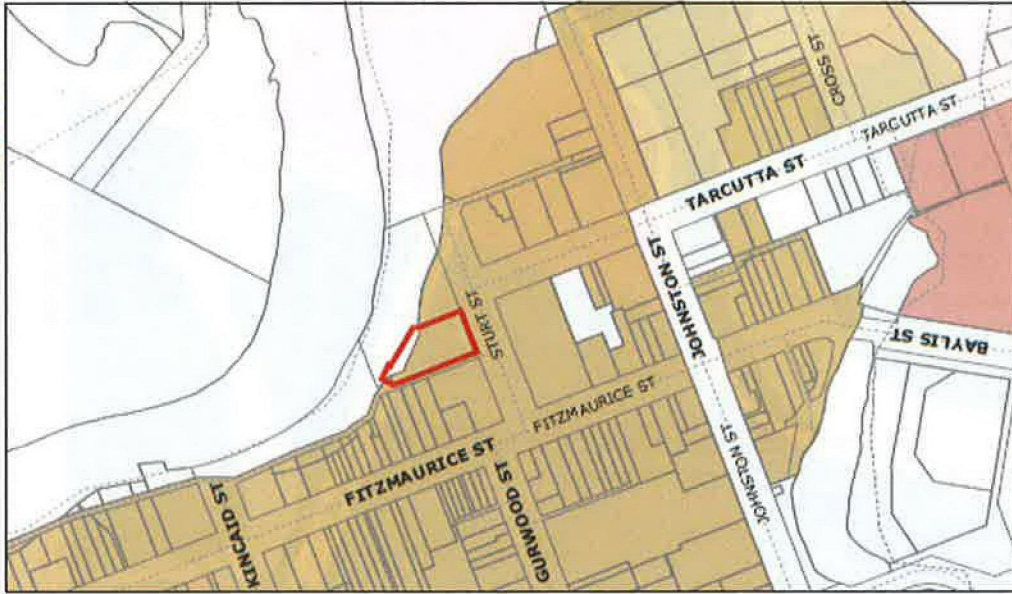
Appendix 1: Public Exhibition Mapping



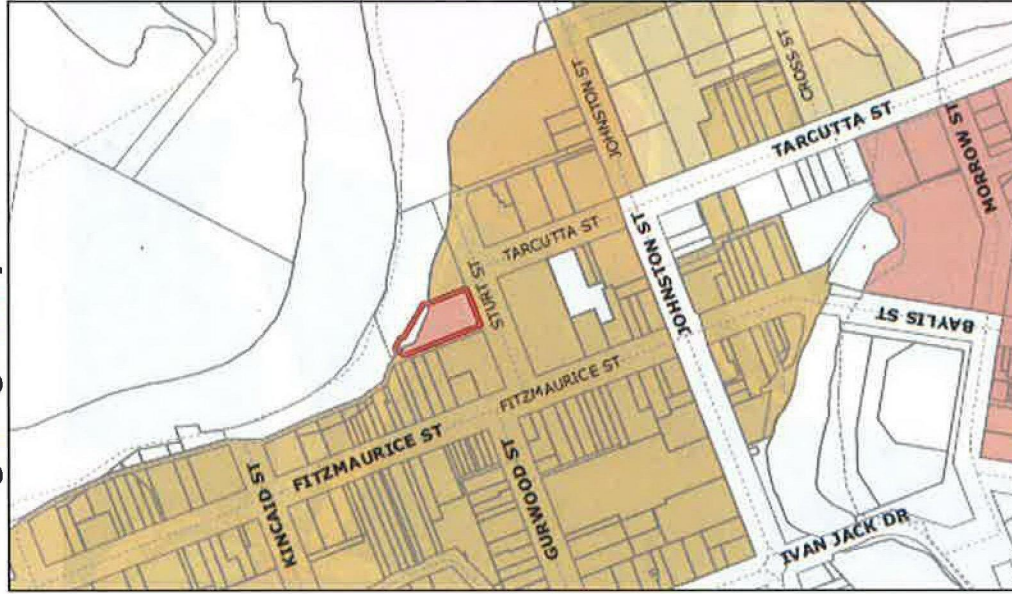
Land Zoning Map



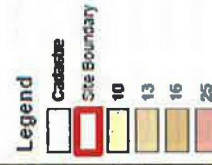
Maximum Building Height Map



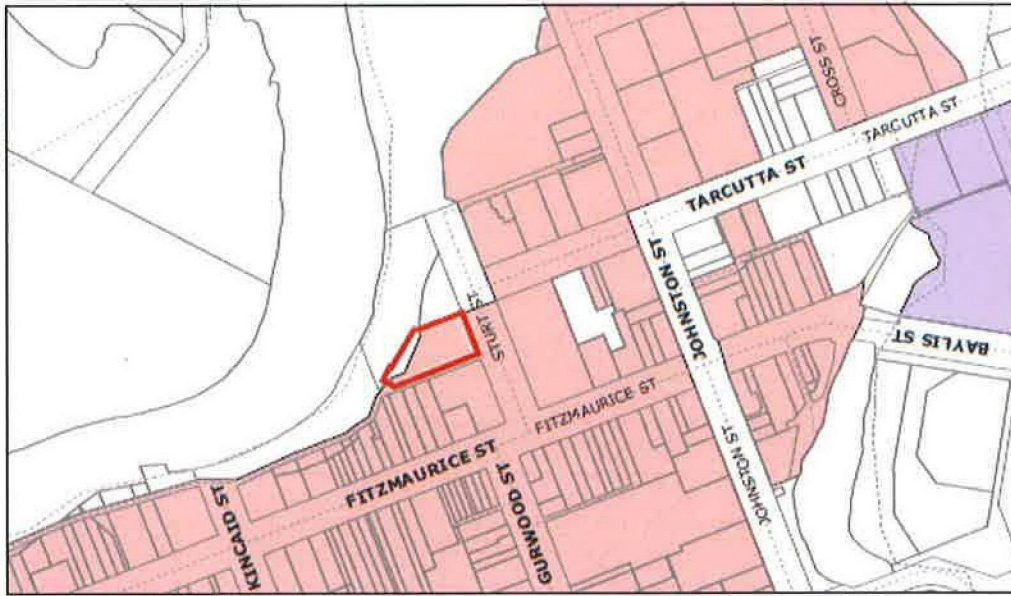
Current Maximum Building Height



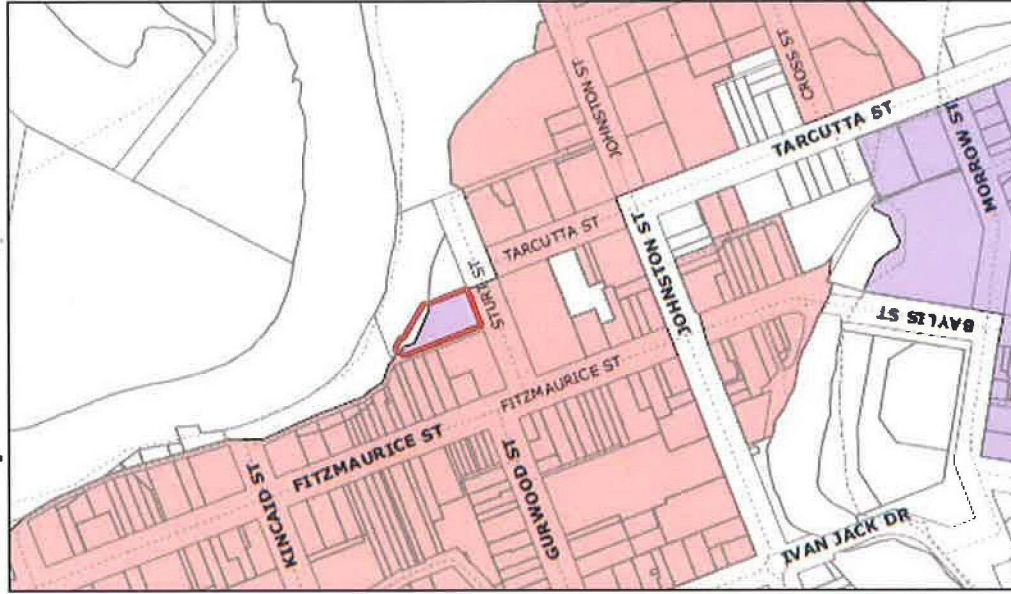
Proposed Maximum Building Height



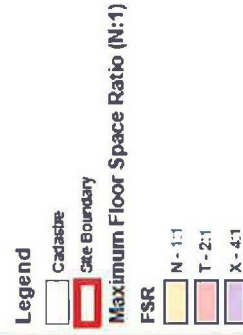
Maximum Floor Space Ratio



Current Maximum Floor Space Ratio



Proposed Maximum Floor Space Ratio



Appendix 2: Council Meeting Report and Minutes



ATTACHMENT 2 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: Wagga Wagga Local Government Area

Name of draft LEP: Rezone 9 – 17 Sturt Street Wagga Wagga from B3 Commercial Core Zone to B4 Mixed Use, Amending the Height of Building Map from O to T and amending the Floor Space Ratio Map from T to X.

Address of Land (if applicable): 9 – 17 Sturt Street, Wagga Wagga

Intent of draft LEP: To amend the Wagga Wagga Local Environmental Plan 2010

Additional Supporting Points/Information: N/A



Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			



If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	N/A			
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	N			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.



Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?	N/A			
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	N/A			
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?	N/A			
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	Y			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	N			
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Y			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			



Appendix 4: Information Checklist

INFORMATION CHECKLIST

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☐	☒	• Existing site plan (buildings vegetation, roads, etc)	☒	☐
• Demonstrated consistency with relevant sub-regional strategy	☐	☒	• Building mass/block diagram study (changes in building height and FSR)	☒	☐
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☒	☐	• Lighting Impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☒	☐
Site Description/Context			Economic Considerations		
• Aerial photographs	☒	☐	• Economic Impact assessment	☒	☐
• Site photos/photomontage	☐	☒	• Retail centres hierarchy	☒	☐
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☒	☐	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☒	☐
• Public transport	☒	☐	• Aboriginal archaeology	☒	☐
• Cycle and pedestrian movement	☒	☐	• Open space management	☒	☐
Environmental Considerations			• European archaeology	☒	☐
• Bushfire hazard	☒	☐	• Social and cultural impacts	☒	☐
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☒	☐
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☒	☐
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☒	☐			
• Flooding	☒	☐			
• Land/site contamination (SEPP55)	☒	☐			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			



10.8 9 – 17 Sturt Street Precinct

This section applies to land in Sturt Street zoned B4 Mixed Use in the LEP. Mixed uses are considered appropriate for the site include commercial and retail on the ground and lower floors with residential accommodation on the upper levels.

Explanatory Note(s):

The overall design needs to reflect the concepts in the Strategic Riverside Masterplan. The design of any residential accommodation needs to be consistent with State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65).

Objectives

- O1 Building design allows for the transition of the built environment to the river.
- O2 Building design and layout is compatible with the existing character of Sturt Street.
- O3 Enhance the amenity of Sturt Street.
- Q4 Enhance pedestrian linkages from Sturt Street to the levee.
- O5 Improve the legibility of Sturt Street and the riverside.

Controls

- C1 Height and building bulk respects the character of existing buildings in Sturt Street.
- C2 The height of a commercial component is a maximum of two storeys.
- C3 Reduce bulk and visual impact from any multi storey mixed use development by locating the larger part of the building at the northern end of the site.
- C4 The front setback is stepped back from Sturt Street.
- C5 Maintain the existing streetscape in Sturt Street.
- C6 Site coverage allows for open space to transition the building to the riverside.
- C7 Landscaping includes deep soil zones, the planting of matures trees along the front boundary with Sturt Street and the planting of hedging around the front perimeter of the site.
- C8 Landscaping is provided on the roof of the commercial building.
- C9 Enhance the interface between the levee and the proposed development in accordance with Attachment 2.
- C10 Design provides for surveillance of private and public open space.
- C11 The space between the car park entrance and levee enhances pedestrian amenity, provides access and safety of the area.

- C12 Restricted vehicle access is achievable from Cadell Place.
- C13 Commercial and retail premises are directly accessible from Sturt Street.
- C14 Basement car parking is located at the northern part of the site.
- C15 Basement car parking is naturally ventilated.
- C16 A single point of vehicle access from Cadell Place.
- C17 Pedestrian access to the residential accommodation is from a single point of entry at the front of the building.
- C18 Provide a footpath along Cadell Place.
- C19 Building materials and the finish are of a high quality.
- C20 Encourage development consistent with the desired future outcomes identified in Attachments 1 and 2

Attachment 1

Precinct Plan - 9 - 17 Sturt Street





PSRP-7 SECTION 73A AMENDMENT TO THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN - CARTWRIGHTS HILL

15/343 RESOLVED:

On the Motion of Councillors P Funnell and J McLaren

That Council resolve to amend the Wagga Wagga Local Environmental Plan 2010 in accordance with Section 73A of the Environmental Planning and Assessment Act 1979 to correct a mapping anomaly associated with Land Zoning Sheet LZN_003E.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

Against the Motion

R Kendall
Y Braid
G Conkey OAM
P Funnell
G Hiscock
J McLaren
A Negline
K Pascoe
K Poynter
D Tout

CARRIED

PSRP-8 PLANNING PROPOSAL TO REZONE AND AMEND THE HEIGHT OF BUILDING AND FLOOR SPACE RATIO FOR 9 - 17 STURT STREET WAGGA WAGGA

15/344 RESOLVED:

On the Motion of Councillors K Pascoe and P Funnell

That Council:

- a resolve to support the planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 for the site known as 9 – 17 Sturt Street, Wagga Wagga
- b submit the planning proposal to the Department of Planning and Environment for a Gateway Determination
- c seek delegation under the Environmental Planning and Assessment Act 1979 in relation to making the amendment

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

For the Motion

R Kendall
Y Braid
G Conkey OAM
P Funnell
G Hiscock
J McLaren
A Negline
K Pascoe
K Poynter
D Tout

Against the Motion

CARRIED

PSRP-10 APPLICATION FOR WORKS IN KIND TO COVER OPEN DRAIN AND PROVIDE PUBLIC CAR PARKING AT MORGAN STREET, WAGGA WAGGA

Councillor K Pascoe declared a Non-Pecuniary Interest and vacated the chamber, the time being 6.49pm.

15/345 RESOLVED:

On the Motion of Councillors G Conkey OAM and P Funnell

That Council:

- a receive and note the Report on Application for Works in Kind to 'Cover Open Drain and Provide Public Car Parking and Landscaping' at Morgan Street, Wagga Wagga
- b approve the Application for Works In Kind/Material Public Benefit proposal to a value of \$160,000 to cover the open drain and to provide public car parking and landscaping at Morgan Street, Wagga Wagga, subject to the applicant:
 - i incurring at their cost any difference between the agreed cost estimate for completing the works and the value of the monetary contribution as specified in condition 49a of Development Consent DA13/0699.03
 - ii the works being undertaken generally in accordance with that depicted on Plan No. 13-045 (issue M dated 24/08/14) and prepared by Morrison Design Partnership
 - iii paying to Council a monetary contribution equal to any difference where the agreed cost estimate for completing the works is less than the value of the monetary contribution as specified in condition 49a of Development Consent DA13/0699.03, with such cost differences to be confirmed by tax invoices from works contractors
- c approve Council's solicitors being engaged at full cost to the applicant to