

Wagga Wagga City Council

Planning Proposal

Amendment to the Wagga Wagga Local Environmental Plan 2010

LEP18/0013 – 11 Sturt Street, Wagga Wagga

- Remove height of building provisions

Date of Planning Proposal:

5 March 2019

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INTRODUCTION

In accordance with Section 3.33 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) to respond to external applications, internal requests (by Council), and housekeeping amendments/anomalies. 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 3.34 of the *Environmental Planning and Assessment Act 1979* is requested.

The items included in the Planning Proposal have been supported by Council. A copy of the report and minutes is provided with this proposal.

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 provided along with the completed Information Checklist.

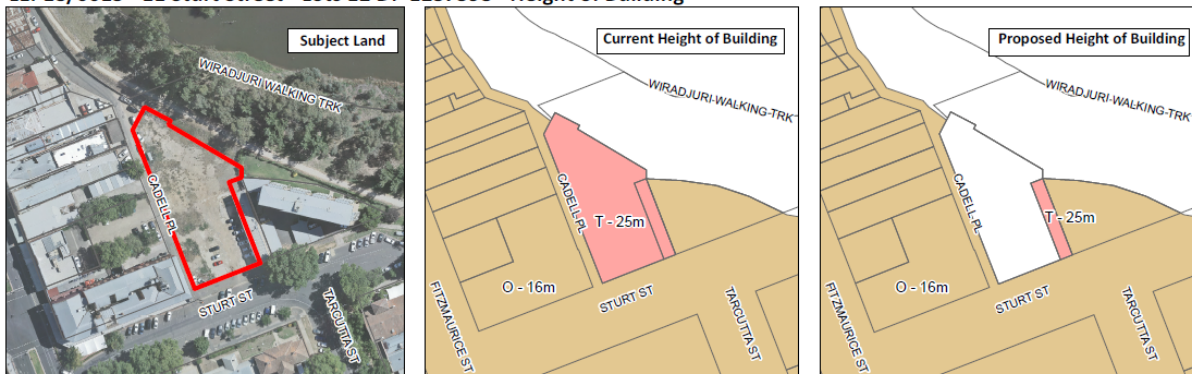
PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The planning proposal intends to remove the height of building provisions from Lots 11 DP 1237398, 11 Sturt Street, Wagga Wagga.

PART 2 – EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by amending the height of building map sheet HOB_003F as shown below:

LEP18/0013 - 11 Sturt Street - Lots 12 DP 1237398 - Height of Building



PART 3 – JUSTIFICATION

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 the result of a strategic study or report.

The proposal is a result of an unsuccessful development application for mixed use development on the site and an urban design review of the proposed development.



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

Amending the height of building map is the only way of facilitating a high density mixed use development for the site that will address bulk and scale distribution on the site in line with the Australian Design Guideline and achieve the set floor space ratio.

A development application was received for a mixed use development on the site. As part of the assessment of the application, Urbis were engaged by Council as an independent to review the NSW Planning and Environment Apartment Design Guide assessment undertaken by Council. The required comment on the urban design merits of the proposed development and recommendations for the development application.

Key findings of the report include:

- The design needs to demonstrate how it achieves the objectives and principles of the Hampden Precinct as outlined in Council's Riverside Master Plan.
- The proposal lacks a rationale and strategy on how the design responds and enhances its context and neighbourhood character.
- A re-distribution of bulk and mass is required in order to achieve outcomes consistent with the apartment design guide.
- The proposed setback from Cadell Place is insufficient to provide the required building separation in consideration of future development of the western side of the land and the future desired character of Cadell Place.
- The quantum and quality of landscape, communal open spaces, amenity, safety, comfort, aesthetics, built form and public benefit outcomes are insufficient to justify the density proposed for the site.
- Public domain, landscape and communal open space need to leverage on the hidden opportunities presented by the site and its context within the city centre, historic, riverside and landscape setting.

The current LEP provisions are considered problematic in achieving an appropriate design in accordance with the NSW Planning and Environment Apartment Design guide assessed and the recommendations of Urbis. The current height of building limit of 25 metres will result in a bulky building design that does not provide an outcome consistent with the future vision of the Riverside Precinct or an adequate degree of overall community benefit. The removal of the height provision will enable the design of the development to be revised to redistribute the bulk of the building to reduce overshadowing.

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?

The planning proposal is consistent with the Riverina Murray Regional Plan. The planning proposal will facilitate a high density mixed use development that will provide additional employment and housing options within the city centre. The table below show compliance with the Regional Plan directions:



Riverina Murray Regional Plan 2036	
Direction	Compliance
Promote business activities in industrial and commercial areas	The planning proposal is consistent with this direction as it will maximise opportunities for business activities on a vacant site within the city centre.
Manage land uses along key corridors	The planning proposal will facilitate development that fronts the Murrumbidgee River. This is consistent with the surrounding development and the Wagga Wagga Riverside Strategic Master Plan 2009.
Promote the growth of regional cities and local centres	The planning proposal will facilitate investment within the city that provides additional employment and housing opportunities.
Build housing capacity to meet demand	A higher density mixed use development will be facilitated by this planning proposal. This will assist with providing housing choice and affordable housing within the city centre.
Provide greater housing choice	Facilitating a high density mixed use development on the site will provide greater housing choice within the city centre utilising existing services.
Deliver healthy built environments and improved urban design	The planning proposal will facilitate better quality design outcomes consistent with SEPP 65 and the Apartment Design Guide by increasing the height limit.

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

Wagga Wagga Spatial Plan 2013-2043:

The planning proposal is consistent with the following outcomes identified in the Wagga Wagga Spatial Plan 2013-2043:

- Encourage infill housing to meet diverse community needs
- Use local planning instruments to encourage a range of housing types with a variety of housing configurations to meet the current and likely future needs of those in the community
- Planning provisions can facilitate provision of affordable housing options
- Accommodating population growth through adequate supplies of well planned residential land, providing a variety of housing options to achieve housing choice and affordability
- Ongoing commitment to promotion of affordable housing locations with access to services
- Dwelling demand for the full range of household types is met
- Adequate choice of housing type and location is provided
- Adequate and affordable housing is available in accessible locations through urban areas
- Identify controls that encourage innovative housing design and promote the development of quality built environments
- Review city centre zones abutting riverside as necessary to accommodate known uses

The planning proposal will facilitate a high density mixed use development that can provide a mix of housing types on a key infill site within the city centre.



Riverside Strategic Master Plan 2009:

The planning proposal will also assist in achieving the objectives of the Riverside Strategic Master Plan 2009 by:

- Improving the identity and attractiveness of the city centre
- Improve connectivity / interaction of levee and adjacent built forms
- Improve the relationship between the city and the river

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

Consistency with applicable SEPPs	
State Environmental Planning Policy No 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.
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	<p>The SEPP and supporting Apartment Design Guide will be applicable to any development application that is submitted for the subject site as a result of this planning proposal.</p> <p>The SEPP and guide will facilitate a better quality design for buildings that respond appropriately to the character of the area, landscape setting and the surrounding built form.</p> <p>An urban design review undertaken by Urbis identified that the current LEP height provisions are considered problematic in achieving an appropriate design in accordance with the NSW Planning and Environment Apartment Design Guide. Removal will ensure a consistent outcome with the guide.</p>



Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

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

S9.1 Direction	Consistency?
1.1 Business and Industrial zones	The planning proposal is consistent with this direction as it retains the existing B4 Mixed Use Zone. It also encourages employment growth by maximising opportunities for the site.
2.3 Heritage Conservation	<p>The subject site is located within the heritage conservation area and is directly opposite the heritage items of the Court House and the Riverine Club.</p> <p>The planning proposal is consistent with this direction as it proposes a more flexible height limit that will facilitate an appropriate bulk and scale that will limit overshadowing of the public domain and heritage items.</p>
3.4 Integrating Land Use and Transport	<p>The planning proposal is consistent with this direction as it facilitates the principles of improving transport choice by:</p> <ul style="list-style-type: none"> ▪ Concentrating highest appropriate density of housing and employment in the city centre ▪ Encourages a mix of housing and employment in the accessible city centre ▪ Facilitates high density mixed use development close to the city centre and major transport corridor ▪ Facilitate good urban design <p>The planning proposal supports the objectives of The Right Place for Business and Services by:</p> <ul style="list-style-type: none"> ▪ Facilitating development that will reduce reliance on cars ▪ Encourage mixed use development within proximity of the public transport system ▪ Foster growth, competition, innovation and investment in the city centre
4.3 Flood Prone Land	The planning proposal is consistent with this direction. Development of the site is in accordance with an adopted Flood Risk Management Plan and Study and protected by a flood levee bank.
5.10 Implementation of Regional Plans	The planning proposal is consistent with this direction and will facilitate growth of the regional city of Wagga Wagga. The proposal will facilitate increased housing choice through apartments and higher density development within the city centre utilising existing services.



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?

There are no known likely environmental effects as a result of the planning proposal.

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

The size of the site limits opportunities to maximise the applicable floor space ratio of 4:1. Increasing the height will maximise opportunities for development to provide a high amenity, landscaping, sustainability, density, built form and scale design that provides an attractive space for residents, workers and visitors. The removal of the height provisions and the remaining floor space ratio of 4:1 can enable a development with the following characteristics consistent with SEPP 65:

- Ground floor retail that front the street and riverside setting
- Roof top communal open space
- Three storey, zero setback street wall to Sturt Street consistent with existing streetscape
- A setback to Cadell Place to provide adequate separation from existing buildings with safe pedestrian, cyclist and vehicle shared zone
- Zero setback to the river to activate the riverfront with commercial uses established at level 1 with an outlook to the river
- A break up of the mass of the building with a higher storey element fronting the river and 3 storey street wall to Sturt Street consistent with the existing streetscape

Development on the site will require assessment against SEPP 65 and the accompanying Apartment Design Guide.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The subject site is located within the city centre with existing public infrastructure.

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

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



PART 4 – MAPPING

The planning proposal seeks to amend the following maps:

Height of Building Map:

- HOB_003F

Council requests the ability to lodge the template maps at S3.36 stage rather than prior to exhibition. The maps provided as part of the planning proposal are detailed enough for public exhibition purposes.

PART 5 – COMMUNITY CONSULTATION

Whilst this planning proposal is considered to be minor in nature, it is considered that a 28 day exhibition period is more suitable.

The requirement to notify affected and adjoining land owners will be met.

PART 6 – PROJECT TIMELINE

Task	Anticipated timeframe
Anticipated date of Gateway Determination	April 2019
Anticipated timeframe for completion of required technical information	N/A
Timeframe for Government agency consultation	June 2019
Commencement and completion dates for public exhibition.	July 2019
Dates for public hearing	N/A
Timeframe for consideration of submissions	August 2019
Timeframe for the consideration of a proposal post exhibition	September 2019
Date of submission to the Department to finalise the LEP	October 2019
Anticipated date RPA will make the plan	November 2019
Anticipated date RPA will forward to the Department for notification	November 2019

