

## RP-2 PROPOSED AMENDMENT TO THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - LEP18/0013 - REMOVAL OF HEIGHT PROVISIONS FOR LOT 12 DP1237398, 11 STURT STREET

**Author:** Crystal Golden  
**Director:** Natalie Te Pohe

**Summary:** The purpose of the planning proposal is to remove the height limit for Lot 12 DP1237398, 11 Sturt Street. This proposal has originated from a development application that was lodged.

### Recommendation

That Council:

- a support planning proposal LEP18/0013 to amend the Wagga Wagga Local Environmental Plan 2010
- b prepare and submit a planning proposal to the Department of Planning and Environment for Gateway Determination
- c receive a further report after the public exhibition period:
  - i addressing any submissions made in respect of the planning proposal
  - ii proposing adoption of the planning proposal unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period
- d review the height limits across the CBD as part of the CBD Master Plan

### Application Details

**Submitted Proposal:** Amendment to the Wagga Wagga Local Environmental Plan 2010 to remove the height of building provisions applicable to Lot 11 DP1237398, 11 Sturt Street

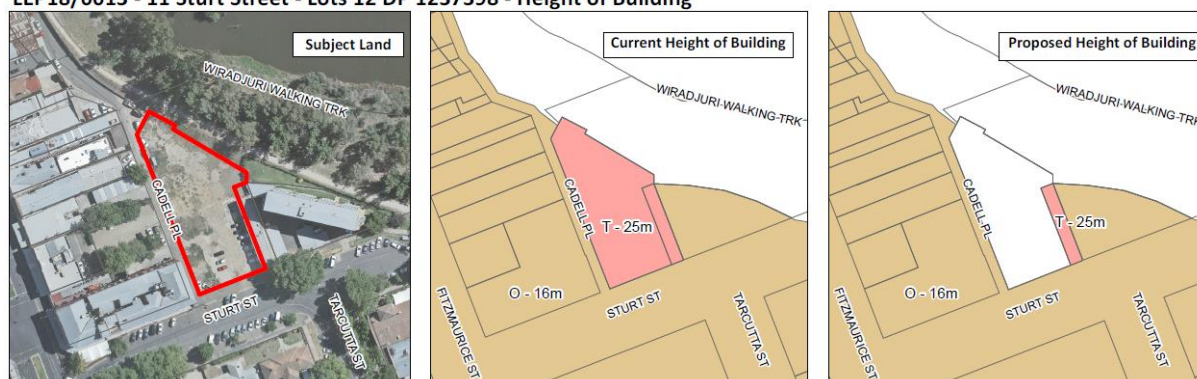
**Land Owners:** CRK Holdings Pty Ltd

**Officeholders:** Director: Paul Stephen Kahlefeldt  
 Secretary: Paul Stephen Kahlefeldt  
 Cassie Moore

### Report

Council is preparing a planning proposal to remove the height of building provisions applicable to Lot 11 DP 1237398, 11 Sturt Street as shown in the map below:

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



A development application was received for 11 Sturt Street, Wagga Wagga for a mixed use development. As part of the assessment of the development application, Urbis were engaged by Council as an independent to review the NSW Planning and Environment Apartment Design Guide assessed by Council. The review 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 and to reduce overshadowing.

Removing the height provisions of the LEP will maximise the sites' potential and will assist in achieving the following objectives of the Riverside Master Plan:

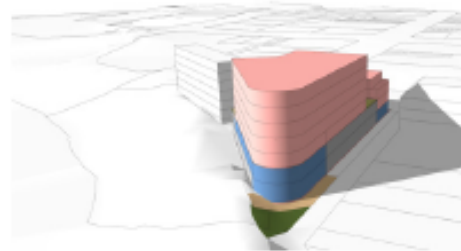
- Improve the identity and attractiveness of the city centre.
- Improve connectivity / interaction of levee and adjacent built forms.
- Improve the relationship between the city and river.

The Urban Design Review prepared by Urbis includes a development outline that demonstrates the development outcome differences between the current provisions and the proposed provisions. This summary is provided on the following page.

## DEVELOPMENT SUMMARY

**2,366 SQM**

TOTAL SITE AREA



### TEST 1: HEIGHT COMPLIANT SCHEME

**15% / 864 SQM**

COMMERCIAL GROSS FLOOR AREA

**4,949 SQM**

RESIDENTIAL GROSS FLOOR AREA

**5,813 SQM**

TOTAL GROSS FLOOR AREA

**2.46:1**

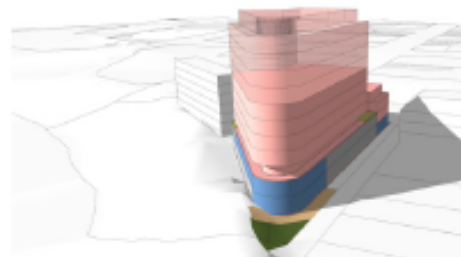
FLOOR SPACE RATIO

**25M / 7 ST.**

MAXIMUM BUILDING HEIGHT

**22% / 512 SQM**

PODIUM COMMUNAL OPEN SPACE



### TEST 2: MAXIMISED FSR SCHEME

**9% / 864 SQM**

COMMERCIAL GROSS FLOOR AREA

**8,571 SQM**

RESIDENTIAL GROSS FLOOR AREA

**9,435 SQM**

TOTAL GROSS FLOOR AREA

**4.0:1**

FLOOR SPACE RATIO

**41M / 12 ST.**

MAXIMUM BUILDING HEIGHT

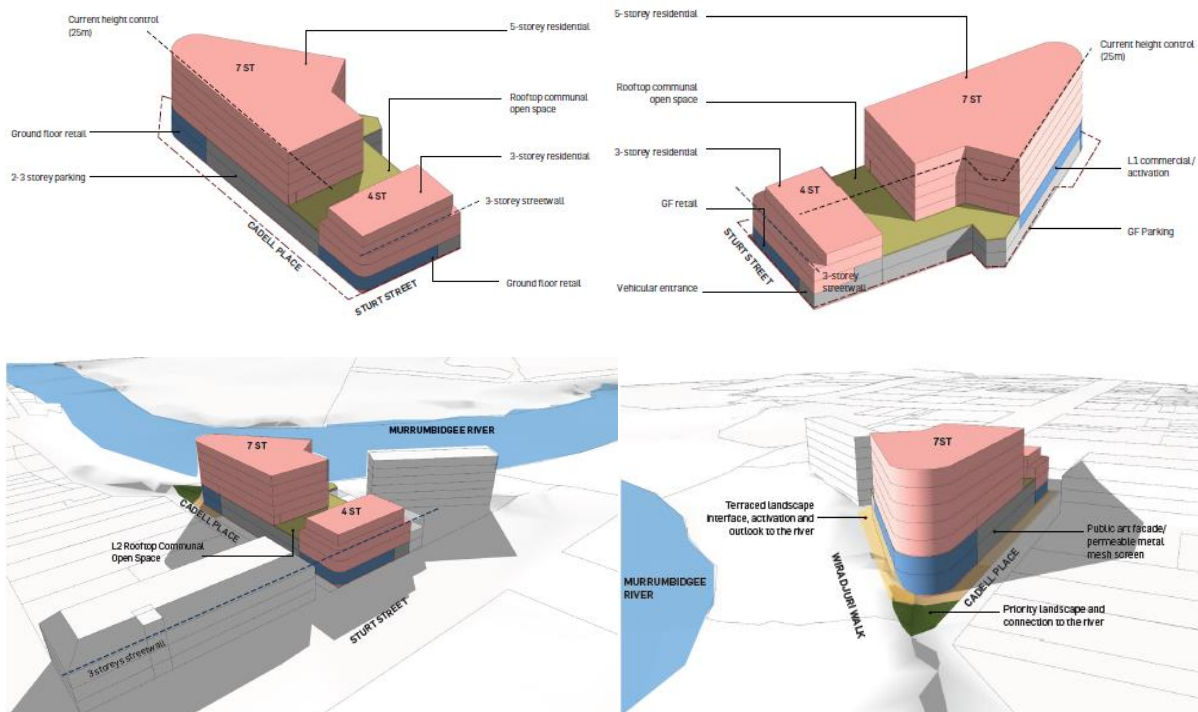
**22% / 512 SQM**

ROOFTOP COMMUNAL OPEN SPACE

The images below show the building bulk and scale under the current height and increased height provisions:

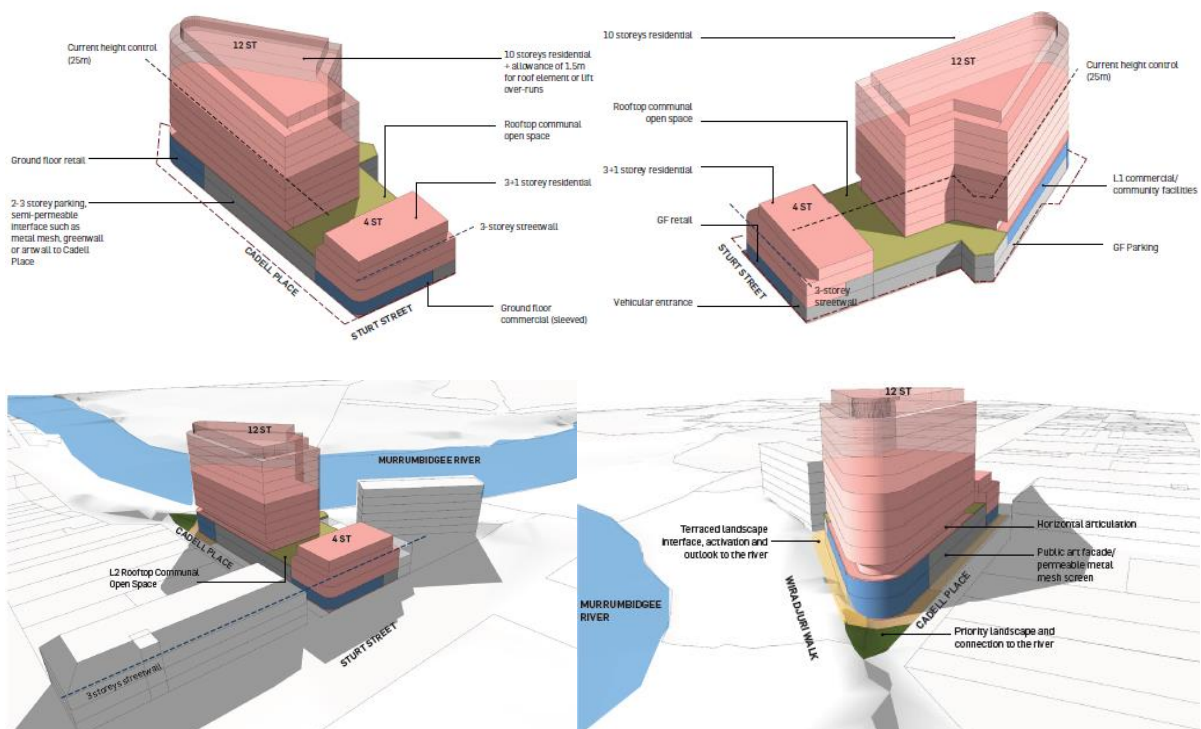
### HEIGHT COMPLIANT SCHEME

**2.46:1** FLOOR SPACE RATIO  
**25M/7 ST.** MAXIMUM BUILDING HEIGHT



### MAXIMISED FSR SCHEME

**4.0:1** FLOOR SPACE RATIO  
**41M/12 ST.** MAXIMUM BUILDING HEIGHT



## Site and location

The site is currently zoned B4 mixed use and located on Sturt Street. The site is a vacant site with frontage to the Murrumbidgee River and located between Romano's Hotel and the Kilnacroft residential flat building. It is directly opposite the heritage listed Court House.

## Key considerations

The assessment report by Urbis (Attachment 1) and Council staff assessment (Attachment 2) has taken into account the following considerations:

1. Maximising potential usage of a key infill site within the city centre

The site is a key opportunity site in a riverfront location. The site has the potential to provide additional residential opportunities within the city centre.

A review of land supply in 2015 estimated that there were approximately 426 hectares of urban release area land (Lloyd, Boorooma, Gobbagombalin and Estella). With the current density rates of 8 dwellings per hectare, this land could only support growth for a further 10 years to 2025 at the current growth rate.

With Council planning for a higher growth rate, this supply could be reduced to a 5 year supply, only supporting growth to 2020.

Whilst the majority of housing will be provided within urban release areas, infill development through redevelopment and intensification as proposed will also play a vital role in utilising existing services to accommodate the growing population of the city. The proposal will optimise the use of land that is currently serviced by public infrastructure and accessible to existing local community facilities.

2. Ensuring connectivity and frontage to the Murrumbidgee River

The current provisions limit opportunities to provide connectivity and frontage to the Murrumbidgee River. A revised height will enable the proposed development to be redesigned to provide connectivity and frontage in line with the Wagga Wagga Riverside Master Plan. The proposal is also consistent with the Wagga Riverside Master Plan, which recommends an increased height along the river frontage.

3. Facilitating a development that is sympathetic to the existing environment

Development on this site will need to consider the existing interfaces with Sturt Street, Cadell Place and the Murrumbidgee River along with the setback to existing buildings. The bulk and scale achieved under the current provisions is not sympathetic given the sites context within the heritage conservation area and the heritage items located south of the site.

An increased height limit will enable the bulk to be re-distributed to ensure overshadowing to the public domain and heritage items is limited and to ensure minimal visual impact from Gurwood and Fitzmaurice Streets.

#### 4. Consideration of height limits across the city

Whilst the height limit for this planning proposal is only considering one site, a CBD Master Plan will commence in 2019 that will consider height limits across the rest of the CBD.

Considering height limits within the CBD is important to ensure residential opportunities are maximised to create a vibrant and active CBD.

This planning proposal is recommended to proceed prior to the CBD Master Plan to ensure maximum development opportunities for this key site are not lost.

#### 5. Bulk and scale

The bulk and scale images included in the report demonstrates that the potential built form under the current 25m height will have the same overshadowing impact of a potential built form under a 41m height limit. For the purposes of the amendment to the LEP, the bulk and scale diagrams indicate that the impact can remain the same with a higher building with appropriate design and location of higher storeys. During the development application process, the impacts of the final design can be further considered to ensure appropriate impact.

Both the State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development (SEPP) and NSW Planning and Environment Apartment Design Guide (Guide) are applicable when an application is lodged for a development of this type. The SEPP and Guide ensure that the quality principles of the context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics are achieved in the development design.

It is proposed that the height restriction be removed and that the ultimate height of the building be determined by the floor space ratio to ensure the outcome sought by the NSW Planning and Environment Apartment Design Guide. Under the floor space ratio provisions of 4:1 and the site being 2,366m<sup>2</sup>, the maximum amount of floor space allowable is 9,464m<sup>2</sup>. The 41m height scenario shown in the above diagram achieves a total floor space of 9,435m<sup>2</sup>.

The proponent has indicated that design flexibility is required with the height limit, to accommodate plant equipment and design features at the upper levels. It is important to note that the objectives of the height provisions within the LEP will still apply.

### Conclusion

An assessment has been undertaken (Attachment 2) and has determined that a planning proposal will be prepared to increase the height of building provisions and submitted to the Department of Planning and Environment for Gateway Determination.

The planning proposal is supported for the following reasons:

1. It will facilitate a mixed use development and growth within the city centre.
2. The proposal is consistent with Council's adopted strategies and master plans.
3. It is consistent with relevant S9.1 Ministerial Directions.



4. Bulk and scale will be managed through the floor space ratio provisions, SEPP and Guide.

## Financial Implications

The planning proposal has been generated internally and therefore no application fees will be collected for this planning proposal.

## Policy and Legislation

Environmental Planning and Assessment Act 1979.  
Wagga Wagga Local Environmental Plan 2010.

## 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

An approval of the proposal may be subject to public scrutiny during the public consultation process and may put additional pressure on Council to consider the increase in the height of building provisions throughout the local government area.

## Internal / External Consultation

A Councillor workshop was held in relation to this matter on 21 January 2019.

Formal public consultation with the general public and referral agencies will occur after the Gateway Determination.

Proposed consultation methods are indicated in the table below.

	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		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>									<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

## Attachments

- LEP18/0013 - Sturt Street - Assessment Report

2. Urban Design Review - Urbis - Provided under separate cover



## **REPORTS FROM STAFF**

RP-1 DA17/0572 9 LOT SUBDIVISION, GENISTA PLACE, SPRINGVALE, LOT 39 DP 1085747 was moved forward for the Public Discussion Forum.

### **RP-2 PROPOSED AMENDMENT TO THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 - LEP18/0013 - REMOVAL OF HEIGHT PROVISIONS FOR LOT 12 DP1237398, 11 STURT STREET**

The Mayor, Councillor G Conkey OAM declared a Significant, Non-Pecuniary Interest and vacated the Chair and the chamber, the time being 7:21pm.

Deputy Mayor, Councillor D Tout assumed the chair, the time being 7.21pm.

Councillor K Pascoe declared a Significant, Non-Pecuniary Interest and vacated the chamber, the time being 7:21pm.

#### **19/036 RESOLVED:**

On the Motion of Councillors P Funnell and T Koschel

#### **That Council:**

- a support planning proposal LEP18/0013 to amend the Wagga Wagga Local Environmental Plan 2010**
- b prepare and submit a planning proposal to the Department of Planning and Environment for Gateway Determination**
- c receive a further report after the public exhibition period:**
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- d review the height limits across the CBD as part of the CBD Master Plan**

**CARRIED**

## **RECORD OF VOTING ON THE MOTION**

### For the Motion

Y Braid OAM  
P Funnell  
D Hayes  
V Keenan  
R Kendall  
T Koschel  
D Tout

### Against the Motion

Deputy Mayor, Councillor D Tout vacated the Chair, the time being 7.24pm.