

Planning Services

Gateway determination report

LGA	Wagga Wagga
PPA	Wagga Wagga City Council
NAME	Planning proposal to remove the maximum building height applying to 11 Sturt Street, Wagga Wagga (0 homes, 0 jobs)
NUMBER	PP 2019 WAGGA 003 00
LEP TO BE AMENDED	Wagga Wagga LEP 2010
ADDRESS	11 Sturt Street, Wagga Wagga
DESCRIPTION	Lot 11 DP 1237398
RECEIVED	8 March 2019
FILE NO.	IRF19/1556
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal seeks to remove the maximum building height applying to 11 Sturt Street, Wagga Wagga.

Site description

The site is situated at the intersection of Tarcutta Street and Sturt Street, Wagga Wagga. The site has an area of 2330 square metres and is currently vacant. **Figure 1** shows an aerial photograph of the site.



Figure 1: Aerial photograph of the site

Source: maps.six.nsw.gov.au

Existing planning controls

The site has a maximum building height of 25 metres in accordance Wagga Wagga LEP 2010 Height of Buildings Map HOB_003F.

The site is zoned B4 Mixed Use and is identified on Heritage Map HER_003F as within the Wagga Wagga conservation area. A floor space ratio of 4:1 also applies to the site.

Despite the proposed removal of the maximum building height, the objectives of Clause 4.3 (Height of Buildings) of the Wagga Wagga LEP 2010 will continue to apply to any future development application for the site. The objectives of Clause 4.3 are as follows:

- a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner,
- b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,
- c) to encourage mixed use development with residential components that have high residential amenity and active street frontages,
- d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain.

Surrounding area

The site is situated at the eastern edge of the Wagga Wagga Central Business District. The site adjoins existing commercial premises along Fitzmaurice Street to the west, a residential flat building to the east and the Murrumbidgee River front to the north. The site and surrounding area are depicted in **Figure 2**.



Figure 2: Aerial photograph of the site and surrounding area

Source: maps.six.nsw.gov.au

Summary of recommendation

It is recommended that the planning proposal proceed subject to the following conditions:

- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 12 months;

PROPOSAL

Objectives or intended outcomes

The intended outcome of removing the maximum building height applying to the site is to facilitate mixed-use development on the site which maximises residential and commercial opportunities consistent with the applicable floor space ratio.

Explanation of provisions

The planning proposal seeks to amend the Wagga Wagga LEP 2010 as follows:

- amend Height of Buildings Map HOB_003F to remove the 25 metre maximum building height applying to Lot 11 DP 1237398, 11 Sturt Street, Wagga Wagga.

The proposed amendment to the Height of Buildings Map is depicted in **Figure 3**.

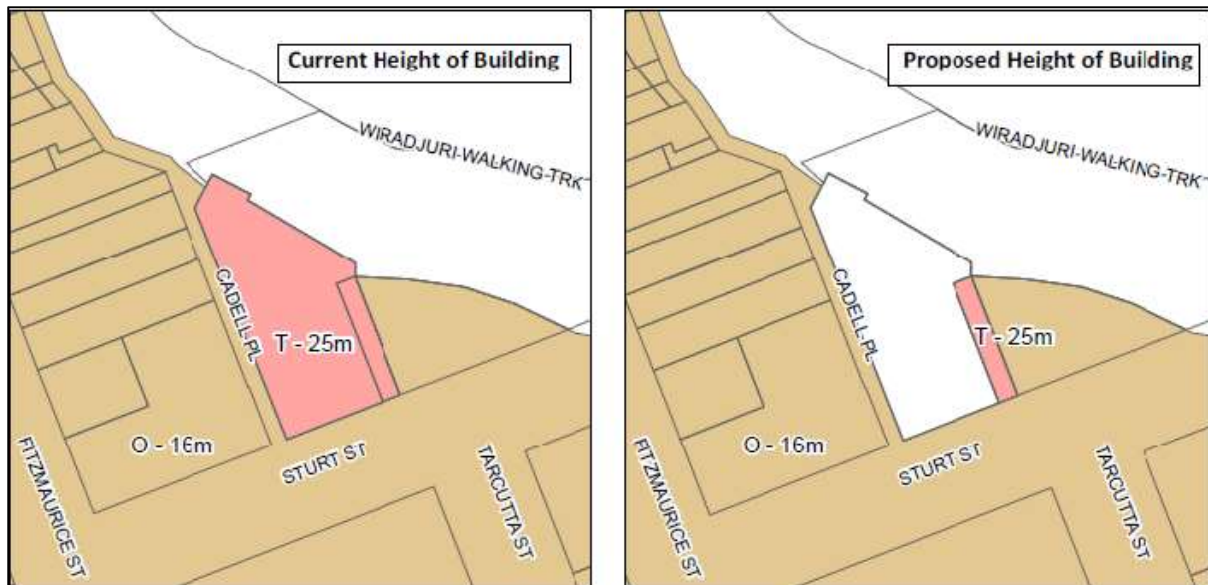


Figure 3: Current and proposed Height of Buildings Map

Source: Wagga Wagga City Council

Mapping

As noted above, the planning proposal seeks to amend Height of Buildings Map HOB_003F. The planning proposal includes an indicative Height of Buildings Map which is considered suitable for community consultation.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is a result of an unsuccessful development application for mixed use development on the site. An urban design review of the proposed development demonstrated that the maximum building height applying to the site is a barrier to achieving a quality development outcome.

The review process concluded that the 25 metre maximum building height applying to the site restricts the ability to maximise the applicable 4:1 floor space ratio and would result in a bulky building design inconsistent with Council's vision for the riverside precinct and incompatible with the character of Sturt Street.

Council considers that removing the maximum building height will enable development opportunities on the site to be maximised whilst ensuring amenity impacts on the surrounding area are minimised. The planning proposal states that removing the maximum building height will enable the built form to be better distributed across the site. Doing so will enable the building height fronting Sturt Street to be consistent with the existing streetscape and reduce overshadowing of this area by distributing the bulk of the building height to the area adjoining the riverfront precinct.

The intended outcome of the planning proposal is considered appropriate given it will enable development of the site to be designed in a manner which maximises residential and commercial opportunities whilst ensuring amenity impacts on the surrounding area are minimised. These outcomes are consistent with the objectives of Clause 4.3 of the Wagga Wagga LEP 2010.

Although the maximum building height can be varied under clause 4.6 of the Standard Instrument LEP, the planning proposal is considered the best means of

achieving the intended outcome as amending the Wagga Wagga LEP 2010 provides greater certainty for the community, prospective developers and Council.

STRATEGIC ASSESSMENT

State

There is no state strategic planning framework applicable to the planning proposal.

Regional / District

Land within the Wagga Wagga LGA is subject to the Riverina Murray Regional Plan 2036. The planning proposal indicates that it is consistent with the following Directions of the Regional Plan:

- Direction 4: Promote business activities in industrial and commercial zones;
- Direction 14: Manage land uses along key river corridors;
- Direction 22: Promote the growth of regional cities and local centres;
- Direction 25: Build housing capacity to meet demand;
- Direction 26: Provide greater housing choice; and
- Direction 28: Deliver healthy built environments and improved urban design.

The planning proposal is consistent with the Regional Plan as it seeks increase housing choice and investment within the Wagga Wagga CBD and respond to the desired future character of the area.

Local

The planning proposal is consistent with the Wagga Wagga Spatial Plan 2013-2043, which encourages investigating opportunities for infill development and promoting innovative housing design and quality built environments.

In addition, the planning proposal states that removing the maximum building height applying to the site is consistent with the objectives of the Riverside Master Plan to improve the identity and attractiveness of the city centre, improve connectivity / interaction of levee and adjacent built forms and improve the relationship between the city and river.

The site has potential to be a key infill site within the Wagga Wagga CBD. By removing the maximum building height applying to the site, the development potential of the site can be maximised, leading to additional employment and housing opportunities. The proposed amendment to the height of buildings map will also facilitate a better-quality development outcome on the site by enabling the built form to be distributed in a manner which better responds to the existing character of Sturt Street, consistent with urban design recommendations.

It is understood that Council will consider height limits across the CBD as part of a CBD Master Plan, with the intent of ensuring residential opportunities are maximised to create a vibrant and active city centre. Council has resolved to proceed with the planning proposal prior to the completion of the CBD Master Plan to ensure the development opportunity the site presents can be realised sooner.

Section 9.1 Ministerial Directions

1.1 Business and Industrial Zones

Direction 1.1 Business and Industrial Zones applies as the planning proposal affects land within an existing business zone. The planning proposal states it is consistent with the Direction as it will maximise opportunities for business activity on the site.

The planning proposal is consistent with the Direction as it seeks to maximise opportunities for commercial development on land within the Wagga Wagga CBD.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

2.3 Heritage Conservation

Direction 2.3 Heritage Conservation applies as the planning proposal applies to land within the Wagga Wagga conservation area. The planning proposal states it is consistent with the Direction as it will enable future development on the site to be designed in a manner which is sympathetic to the character of the area.

The planning proposal is consistent with the Direction as it seeks to remove the prescriptive maximum building height applying to the site to enable future development on the site to better respond to the character of the surrounding area. The planning proposal states that removing the maximum building height will enable the built form to be distributed across the site, ensuring the bulk of the building adjoins the riverfront precinct and development fronting Sturt Street is consistent with the existing streetscape.

Existing provisions contained in the Wagga Wagga LEP 2010 will continue to enable Council to consider the impact of any future development application on the amenity and character of the surrounding area.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

3.4 Integrating Land Use and Transport

Direction 3.4 Integrating Land Use and Transport applies as the planning proposal alters a provision relating to urban land. The planning proposal states it is consistent with the Direction as it is consistent with *Improving Transport Choice – Guidelines for planning and development* and The Right Place for Business and Services.

The planning proposal is consistent with the Direction as seeks to maximise residential and commercial development opportunities on land within an established urban area with access to existing infrastructure and services.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

4.3 Flood Prone Land

Council identifies Direction 4.3 Flood Prone Land as applicable to the planning proposal. This Direction does not apply as the site is not within the post levee upgrade flood planning area identified in the Wagga Wagga Murrumbidgee River Floodplain Risk Management Study and Plan 2018.

5.10 Implementation of Regional Plans

Direction 5.10 Implementation of Regional Plans applies as the planning proposal relates to land subject to the Riverina Murray Regional Plan 2036.

The planning proposal is consistent with the terms of this Direction as the proposal is consistent with the Riverina Murray Regional Plan 2036. A full assessment of the planning proposal's consistency with the Regional Plan is provided above in the Strategic Assessment section.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

State environmental planning policies (SEPPs)

The planning proposal identifies the following SEPPs as applicable:

- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The abovementioned SEPPs are not applicable to determining the strategic merit of the planning proposal. The provisions of SEPP 55 and SEPP 65 will be considered during the assessment of any future development application applying to the site.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal will enable future development of the site to maximise residential and commercial development opportunities, providing additional employment and housing within the Wagga Wagga CBD.

Removing the maximum building height will also enable future development of the site designed in a manner which better responds to the character of the surrounding area.

Existing provisions contained in the Wagga Wagga LEP 2010 will continue to enable Council to consider the impact of any future development application on the amenity and character of the surrounding area.

Environmental

The site is not subject to areas of high environmental value or affected by natural hazards.

Economic

The site is within the Wagga Wagga CBD and has access to existing services and infrastructure.

CONSULTATION

Community

Although Council considers the impact of the planning proposal to be minor, it recommends community consultation for a minimum of 28 days. It is recommended that Council's proposal for a consultation period of 28 days is supported.

Agencies

Council has not proposed any consultation with government agencies.

Given the site is situated in a location with access to existing infrastructure and services, is not of high environmental value, cultural or heritage significance or affected by natural hazards, consultation with government agencies is not considered necessary.

TIME FRAME

Council has indicated the LEP can be completed within 8 months of the date a Gateway determination is issued.

It is recommended that the timeframe for completing the LEP be 12 months to account for any unexpected delays in the plan making process.

LOCAL PLAN-MAKING AUTHORITY

Council has requested to be authorised as the local plan-making authority to exercise the functions under section 3.36 of the Environmental Planning and Assessment Act 1979.

Due to the localised nature of planning proposal, it is recommended that Council's request be supported.

CONCLUSION

The planning proposal is supported to proceed to community consultation.

The proposal will facilitate a development outcome on the site which is consistent with Council's vision for the riverside precinct.

RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.



Claudia Jordan
Acting Team Leader, Southern Region



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Luke Musgrave
Director Regions, Southern
Planning Services

Assessment officer: Will Mayes
Planning Officer, Southern Region
Phone: 8275 1050