

**RP-4 PLANNING PROPOSAL LEP19/0002 - PROPOSED AMENDMENT TO
THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 FOR
LAND LOCATED ON MORGAN, MURRAY AND FORSYTH STREETS,
WAGGA WAGGA**

Author: Crystal Golden
Director: Natalie Te Pohe

Summary: The purpose of this planning proposal is to facilitate a high-density mixed-use development on land located between Morgan, Murray and Forsyth Street, Wagga Wagga. The recommendation is to proceed with the planning proposal and request a Gateway Determination with the Department of Planning and Environment.

Recommendation

That Council:

- a support planning proposal LEP19/0002 to amend the Wagga Wagga Local Environmental Plan 2010
- b submit the planning proposal LEP19/0002 to the Department of Planning and Environment for Gateway Determination
- c note that discussions for a voluntary planning agreement have commenced and will be subject to a separate Council report
- d note that any decision on the use or sale of Council owned land will be subject to a separate Council report
- e prepare an amendment to the Wagga Wagga Development Control Plan 2010 to be exhibited alongside the planning proposal to address development matters raised
- f receive a further report after the public exhibition period and upon finalisation of the voluntary planning agreement:
 - i noting the voluntary planning agreement outcomes
 - ii addressing any submissions made in respect of the planning proposal
 - iii proposing adoption of the planning proposal unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period

Application Details

Submitted Proposal: Amendment to the Wagga Wagga Local Environmental Plan 2010 to reclassify land, amend zoning, height of building and floor space ratio.

Applicant Damasa Pty Ltd
Manuel & Daniel Donebus

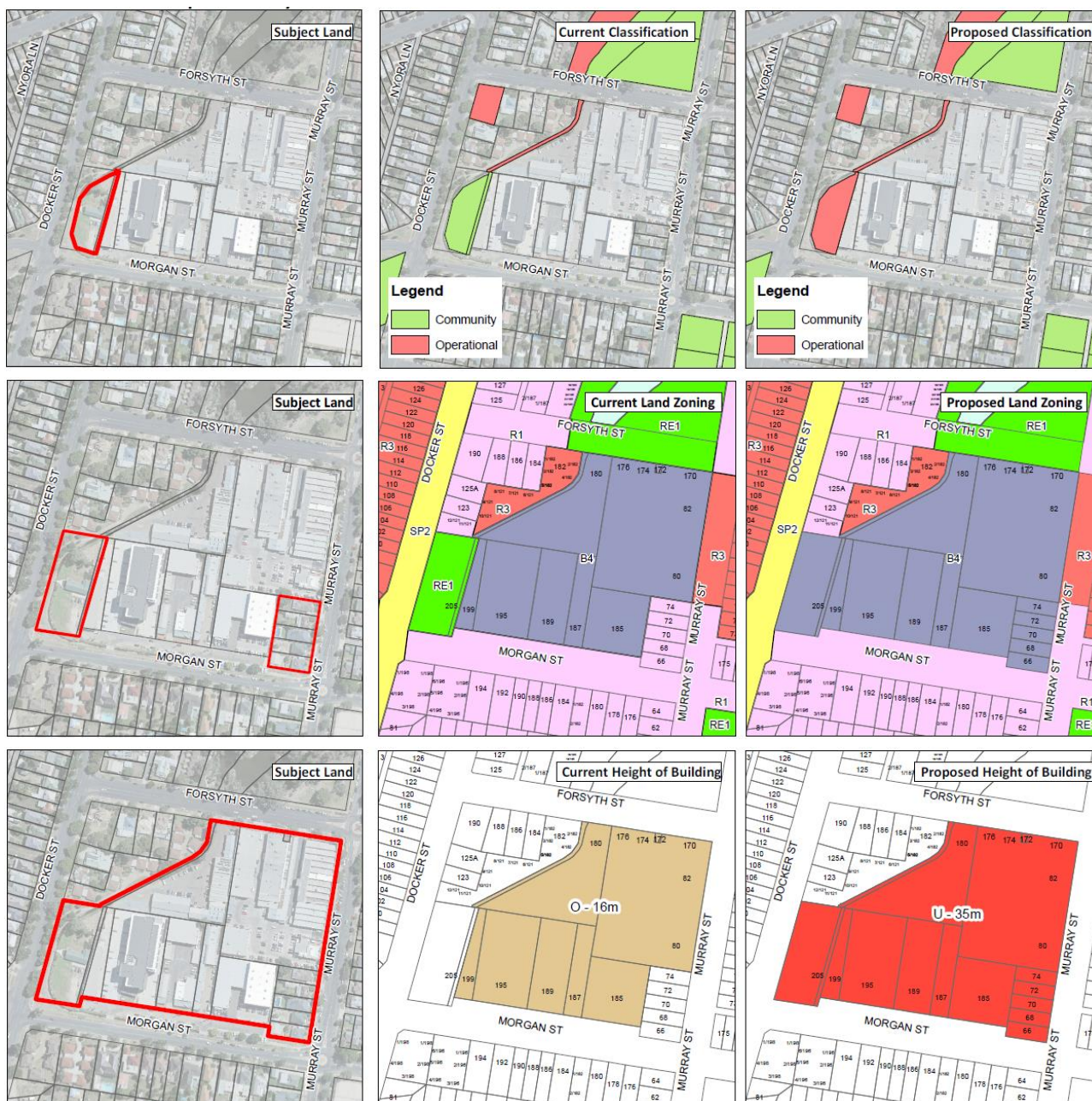
Land Owners: Various landowners provided under confidential cover

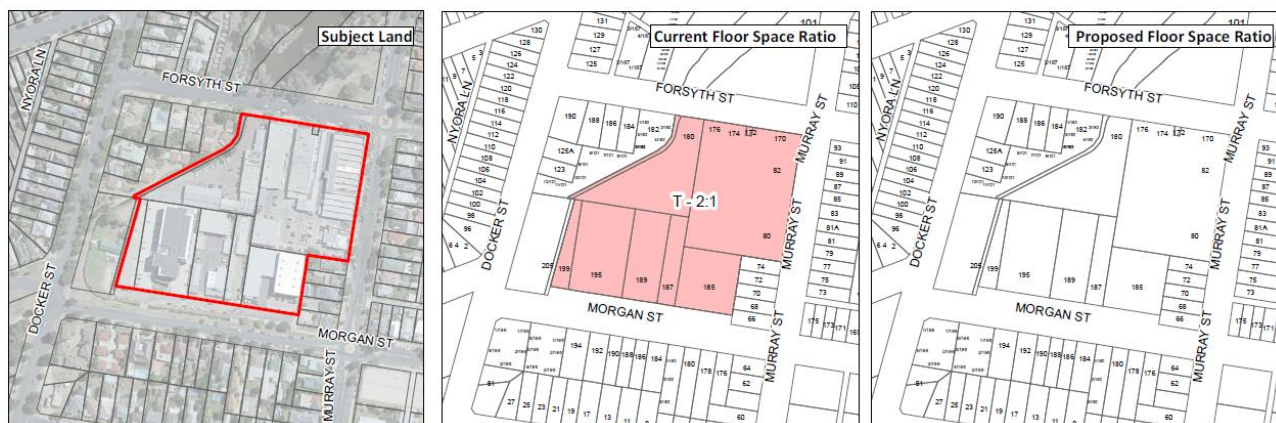
The Proposal

Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010. The proposal intends to reclassify community land, rezone land from RE1 Public Recreation and R1 General Residential to B4 Mixed Use, increase the building height to 35 metres and remove the floor space ratio provisions.

The site has a combination of zones, height of building and floor space ratio provisions which already allows for development to occur. The intent of the planning proposal is to optimise the development potential on the site and to facilitate an improved urban outcome.

The proposed amendments are shown in the maps below:





The application and supporting documents are provided under separate cover (Attachment 1).

Site and location

The site is located west of the central business district and north of the Wagga Wagga Base Hospital and Sturt Highway.

The site is an existing mixed-use site that operates as a local business centre within an established neighbourhood. Surrounding land uses are residential with the Wollundry Lagoon located to the north of the site opposite Forsyth Street.

Key considerations

The assessment has considered the following:

1. Competition with the central business district and health precinct:

Most of the site has an existing B4 mixed use zone with approximately 8,000 square metres of operating retail type uses in the area. The objectives of the B4 Mixed Use zone are to:

- To provide a mixture of compatible land uses
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling

The area provides local services in the form of retail uses consistent with the B4 mixed use zone objectives and is emerging as a key office precinct outside the central business district with existing and emerging state government tenancies.

The planning proposal seeks to optimise the use of the land and will provide for a more intense mix use development on the site with additional commercial opportunities and higher density residential uses. The proposed rezoning from RE1 Public Recreation and R1 General Residential to B4 Mixed Use will result in approximately 7,300 square metres of additional B4 Mixed Use zoned land in addition to the existing 34,000 square metres of B4 Mixed Use zoned land. The concept master plan provided with the application indicates that the proposed retail space will be around 8,628 square metres which is a slight increase on the existing 8,000 square metres. The proposed additional office and retail area is considered in the application to have no significant impact on the central business district.

The purpose of the B4 Mixed Use zoned precinct will be to support and compliment the primacy of the central business district as well as the emerging health precinct. The proposal attempts to provide long-term employment opportunities supported by high density residential uses on the site. It will encourage the redevelopment of the site and provide opportunities to promote walking and cycling with connections between the CBD and health precinct.

2. Maximising potential usage of a key infill site for residential purposes close to the city centre:

The site is a key opportunity site within proximity to the central business district and emerging health precinct. The site has potential to provide additional employment and residential opportunities.

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 growth rate and density rates of 8 dwellings per hectare, this land could only support growth for a further 10 years to 2025.

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

Whilst most of the housing will be provided for 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 growth 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.

3. Exclusion of north-western portion of urban block:

The north-western portion of the urban block is currently utilised for a combination of general and medium density residential, and a sewer pump station exists on the corner of Forsyth and Docker Streets. The area has been considered for inclusion in the planning proposal, however, there is insufficient information to support inclusion of the site at this stage.

Broader strategic planning work is required before considering changes to this part of the area.

4. Managing impact on amenity of surrounding sites:

The surrounding area is predominately residential in nature and intensification of the site has the potential to impact on the amenity of the area.

Development standards for setback, design, open space and height along with the SEPP 65 and Apartment Design Guide, will guide future development outcomes on the site to ensure the existing amenity is not impacted. The subject site is large enough to accommodate appropriate setbacks and open space as part of any development proposal to minimise impacts. The mix of commercial and residential uses is consistent with what is currently located on the site.

5. Increase in height restriction and removal of floor space ratio:

Whilst the increase in the height limit and the removal of the floor space ratio provisions could appear to enable large bulky developments on the site, the design will be managed through other development provisions for public / private open space, parking requirements, setbacks and overshadowing. This will be a consideration as part of any proposed development application for the site to ensure appropriate bulk, scale and impact on adjoining areas.

6. Reclassification and loss of community land:

The Council owned site that forms part of the planning proposal is known as 205 Morgan Street and is privately leased by a community club. The reclassification of the site will enable Council to consider whether the land is surplus and dispose of the site. While the reclassification could result in a loss of community classified land available, there are several other suitable sites across the city that could be utilised for similar purposes. Discussions have commenced with the existing community club regarding possible relocation.

The site is identified as being a key infill site with opportunities to provide additional employment land within proximity to the city and existing services. A separate report will consider the site and any future needs of the site. This planning proposal will facilitate a reclassification and rezoning of the site to enable future opportunities; however, the site could continue to be privately leased by the community club under the proposed provisions.

The reclassification will require a community hearing to be undertaken to ensure community members can present their concerns on the reclassification and potential loss of community land. This will be conditioned as part of the Gateway Determination if approved by NSW Department of Planning and Environment.

7. Traffic and parking considerations:

The planning proposal was submitted with a traffic and parking impact assessment for a proposed configuration of the site. The assessment indicates that the site can accommodate adequate parking on site. It also considers that the existing road network can accommodate the proposed configuration, however, there is currently a need to upgrade the intersection of Docker, Morgan and Bolton Streets as it is already at a level of service 'F' which indicates this intersection is already at capacity and needing upgrades. As the intersection is currently a 'give way' treatment, other intersection treatments are required to manage existing movements. Other intersections around the proposal site are operating at a level of service of 'A' or 'B', meaning there is capacity.

It is noted that the surrounding roads currently accommodate on-street parking which is in demand from the existing development and other developments in the locality. There is an opportunity to improve the existing parking arrangements on site and on surrounding roads.

A detailed assessment of traffic and parking will be considered at development application stage when the development design is finalised. A condition of development consent may require a parking strategy and management plan for the site.

8. Infrastructure:

One of the key issues to consider with LEP amendments is the impacts of any proposal on existing infrastructure and the ability of existing networks to cope with increased demands. The site is in an existing urban environment and has access to existing services and infrastructure including roads, reticulated water and waste collection services. Other infrastructure networks and services, including public transport, waste management/recycling, health, education, emergency, mail and other community services are established in the local area and accessible to the subject site.

Existing stormwater infrastructure in the area captures stormwater from the existing development. Where development proposes to increase the amount of stormwater, stormwater strategies can be put in place to ensure adequate measures are in place to manage impacts. A Stormwater Report would be required as part of the future development application to address how additional flow would be safely handled considering the existing overland flow flooding identified in the Major Overland Flow Flood Study 2015 (or as amended).

9. Voluntary Planning Agreement:

The applicant has sourced Council's advice in relation to opportunities through a voluntary planning agreement. Development in the precinct presents opportunities to consider entering to a voluntary planning agreement with the developer. The full details of any voluntary planning agreement, while relevant, is a separate process that will run alongside this proposal. Any agreement will be subject to a separate Council report.

The progress of the voluntary planning agreement will be taken into consideration prior to reporting to Council on the outcomes of community consultation. This will ensure that any voluntary planning agreement is in place prior to the planning proposal progressing to finalisation.

10. Heritage:

The site does not contain any heritage item listing or conservation area coverage. The proposal indicates a desire to acknowledge and interpret the original 'Dunlop' building with its distinctive saw tooth roof structure. With no specific heritage controls applying to the site requiring consideration of heritage matters, it is encouraging to see that the urban design considerations have been proactive in acknowledging the history of the site.

11. Existing use rights and postponement of rates

The proposal includes the rezoning of five residential lots from R1 General Residential zone to B4 Mixed Use zone. Approved dwellings on these lots will be able to continue to exist under existing use rights. Existing use rights provided under Section 4.64 of Environmental Planning and Assessment Act 1979 protects private owners from the effect of zoning changes and allows them to continue to use their land in a particular way, even though it may be inconsistent with the zoning of the land. While consultation has not yet been undertaken with these landowners, direct consultation will be undertaken during the formal community consultation period conditioned by the Gateway Determination.

Council may also postpone the payment of commercial rates on these properties under the provisions of Section 585 and 591 of the Local Government Act 1993, upon application. However, if the use or occupancy changes from a single dwelling-house, Council must be informed, and the postponed rates and interest charges will become due and payable (up to a maximum of 5 years). This will also be communicated to the landowners during the consultation period.

Conclusion:

An assessment has been undertaken (Attachment 2) and has determined that the planning proposal is supported for the following reasons:

- It will facilitate a higher density mixed use development within proximity to the city centre consistent with Council's adopted strategies.
- The proposal presents opportunities to contribute to housing diversity to meet demand.
- The proposal will present benefits to the broader community through increased residential opportunities close to employment precincts with connections to active travel options.
- It is consistent with the relevant S9.1 Ministerial Directions.
- The information provided with the application provides adequate justification to support the planning proposal and forward to the Department of Planning and Environment seeking Gateway Determination.
- Discussions have commenced regarding a voluntary planning agreement to capture opportunities with development in the area.

Financial Implications

The application has been submitted with the applicable *Major LEP Amendment* fee of \$30,000. The proponent has paid this fee.

Policy and Legislation

Environmental Planning and Assessment Act 1979
Wagga Wagga Local Environmental Plan 2010
Chapter 15, Part 8, Division 2 of the Local Government Act 1993

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 of density around the central business district.

Refusal of the application may result in an appeal process. The applicant has the ability to appeal Council's decision by submitting the planning proposal to the Department of

Planning and Environment through a pre-Gateway review process. The reasons for refusal will have to be justified and withstand scrutiny and cross-examination.

Internal / External Consultation

Various Councillor workshops were held on the 3 December 2018, 21 January 2019 and 6 May 2019.

Internal referral occurred. There is support for the proposal to proceed.

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

As this proposal includes a reclassification of community land to operational, a public hearing will be conditioned as part of any Gateway Determination. The public hearing will be chaired by an independent person and will enable affected community members to raise concerns in a public forum. The independent chair will prepare a report with recommendations based on the public hearing.

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"/>	

Attachments

1. Planning Proposal Application - Provided under separate cover
2. Planning Proposal Assessment Report - LEP19/0002 - Morgan Street
3. LEP19/0002 - Land Owner Details

This matter is considered to be confidential under Section 10A(2) of the Local Government Act 1993, as it deals with: personnel matters concerning particular individuals. - Provided under separate cover

RECORD OF VOTING ON THE MOTION

For the Motion

Y Braid OAM
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

Against the Motion

RP-4 PLANNING PROPOSAL LEP19/0002 - PROPOSED AMENDMENT TO THE WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 FOR LAND LOCATED ON MORGAN, MURRAY AND FORSYTH STREETS, WAGGA WAGGA

19/214 RESOLVED:

On the Motion of Councillors D Hayes and T Koschel

That Council:

- a support planning proposal LEP19/0002 to amend the Wagga Wagga Local Environmental Plan 2010**
- b submit the planning proposal LEP19/0002 to the Department of Planning and Environment for Gateway Determination**
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CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

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

Against the Motion

RP-5 PLANNING PROPOSAL - LEP18/0013 - STURT STREET - HEIGHT OF BUILDING PROVISIONS

The Mayor, Councillor G Conkey OAM declared a Significant, Non-Pecuniary Interest and vacated the chair and the chamber, the time being 8:29pm.

The Deputy Mayor, Councillor D Tout assumed the chair, the time being 8.29pm.

Recommendation

That Council:

- a note the two submissions were received during the exhibition period for planning proposal LEP18/0013**
- b adopt the planning proposal LEP18/0013, as exhibited, to amend the Wagga Wagga Local Environmental Plan 2010**
- c gazette the plan and notify the Department of Planning and Environment of the decision**

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

The Deputy Mayor, Councillor D Tout vacated the chair, the time being 8.31pm.

The Mayor, Councillor G Conkey OAM re-entered the chamber and assumed the chair, the time being 8:31pm.

Councillor K Pascoe re-entered the chamber, the time being 8:31pm.