

## Planning and Assessment

545032

### Gateway determination report

<b>LGA</b>	Wagga Wagga
<b>PPA</b>	Wagga Wagga City Council
<b>NAME</b>	Planning proposal to rezone land from R1 and RE1 to B4, reclassify community land to operational land and amend building height and floor space ratio controls (201 homes, 1,000 jobs)
<b>NUMBER</b>	PP_2019_WAGGA_006_00
<b>LEP TO BE AMENDED</b>	Wagga Wagga LEP 2010
<b>ADDRESS</b>	Morgan Street, Wagga Wagga Forsyth Street, Wagga Wagga Murray Street, Wagga Wagga
<b>DESCRIPTION</b>	Lot A DP 331461 Lot 1 DP 375748 Lot 7 DP 203835 Lot 456 DP 1212902 Lot 23 DP 869492 Lot 1 DP 203835 Lot 1 DP 550746 Lot 1 DP 1027240 Lot 1 DP 617715 Lot 2 DP 620649 Lots 1 – 5 DP 20847 Lot 3 DP 620649
<b>RECEIVED</b>	27 June 2019
<b>FILE NO.</b>	IRF19/5039
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal seeks to rezone land to from R1 General Residential and RE1 Public Recreation to B4 Mixed Use, reclassify community land to operational land and amend building height and floor space ratio controls.

## 1.2 Site description

The planning proposal applies to the land shown in **Figure 1**.



**Figure 1: Aerial photograph of the site**

Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)

The site has an area of approximately 4.2 hectares. Most of the site is an existing mixed-use precinct with direct access to Morgan, Murray and Forsyth Streets. As illustrated in **Figure 1**, the land proposed to be rezoned B4 Mixed Use comprises a Council owned site at the western edge of the site (Lot A DP 331461 and Lot 1 DP 375748) and five dwellings in the south eastern corner of the site (Lots 1 – 5 DP 20847).

## 1.3 Existing planning controls

Lot A DP 331461 and Lot 1 DP375748 are zoned RE1 Public Recreation and Lots 1 – 5 DP 20847 are zoned R1 General Residential. The remainder of the site is zoned B4 Mixed Use.

Lot A DP 331461, Lot 1 DP375748 and Lots 1 – 5 DP 20847 are not subject to height of building or floor space ratio controls. A maximum building height of 16 metres and floor space ratio of 2:1 applies to the remainder of the site.

Part of Lot A DP 331461 and Lot 1 DP375748 are classified as Community Land.

## 1.4 Surrounding area

The site is situated roughly 825 metres west of the Wagga Wagga Central Business District and 320 metres north of the Wagga Wagga Base Hospital. As illustrated in **Figure 2**, the site is within an established residential neighbourhood with access to the adjoining Wollundry Lagoon recreation area to the north.





**Figure 2: Aerial photograph of the site and surrounding area**

Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)

### **1.5 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.

## **2. PROPOSAL**

### **2.1 Objectives or intended outcomes**

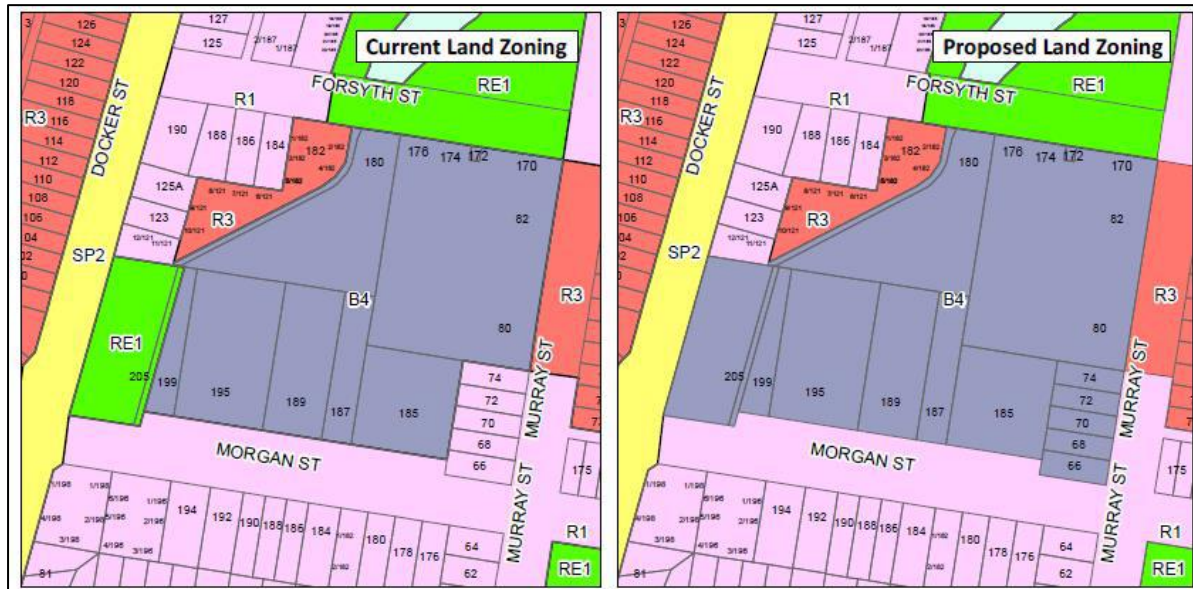
The intended outcome of the planning proposal is to facilitate additional high-density mixed-use development on the site.

### **2.2 Explanation of provisions**

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

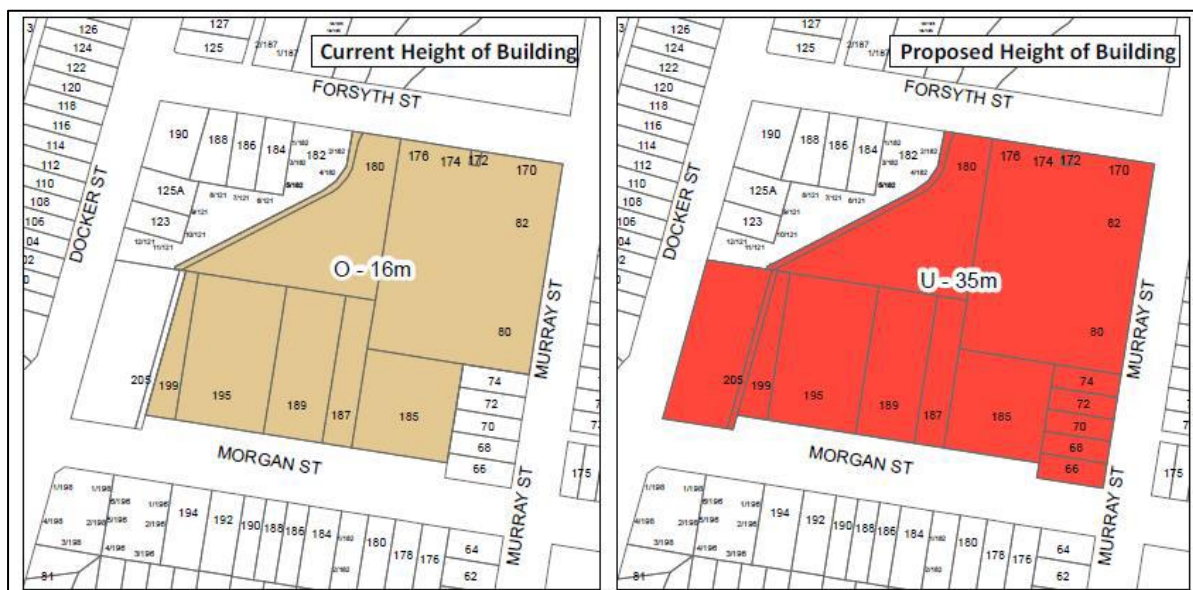
- Amend Land Zoning Map LZN\_003C to rezone Lot A DP 331461 and Lot 1 DP375748 from RE1 Public Recreation to B4 Mixed Use;
- Amend Land Zoning Map LZN\_003C to rezone Lots 1 – 5 DP 20847 from R1 General Residential to B4 Mixed Use;
- Amend Height of Buildings Map HOB\_003C to remove the 16 metre maximum building height applying to the site and replace it with a 35 metre maximum building height;
- Amend Floor Space Ratio Map FSR\_003C to remove the 2:1 floor space ratio applying to the site; and
- Amend Schedule 4 Classification and reclassification of public land to include Lot A DP 331461 and Lot 1 DP375748 under Part 1 Land classified, or reclassified, as operational land – no interests changed.

The proposed amendments to the Land Zoning, Height of Buildings and Floor Space Ratio Maps and the land proposed to be reclassified from community to operational land are illustrated in **Figures 3 – 6**. Although **Figure 6** indicates that Part of Lot A DP 331461 will be reclassified, an addendum to the planning proposal prepared by Council states that the reclassification will apply to the whole lot.



**Figure 3: Current and proposed Land Zoning Map**

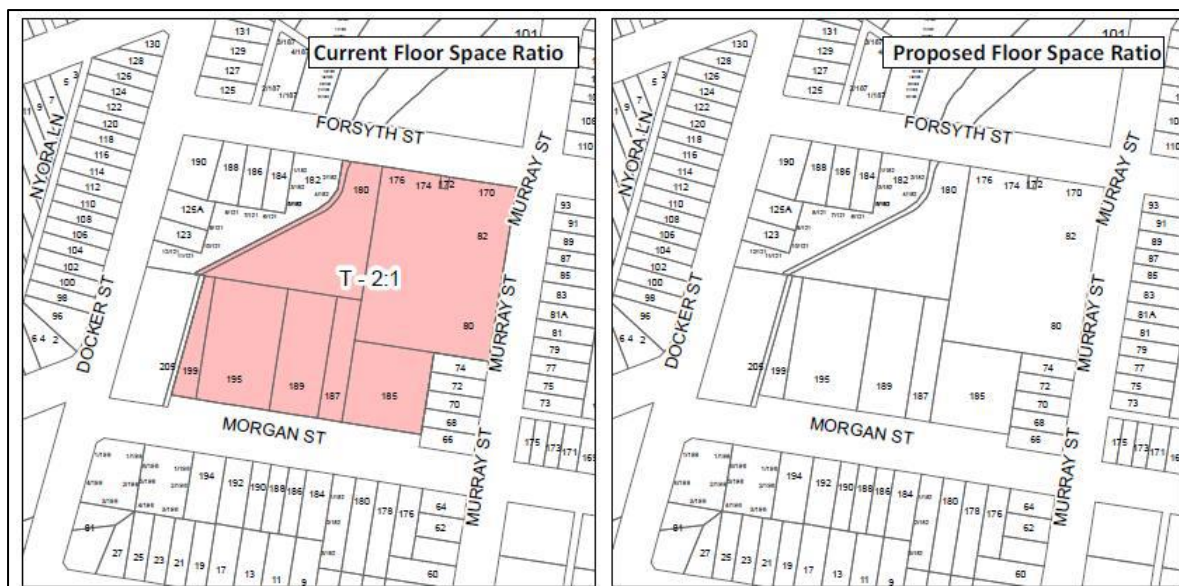
Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)



**Figure 4: Current and proposed Height of Buildings Map**

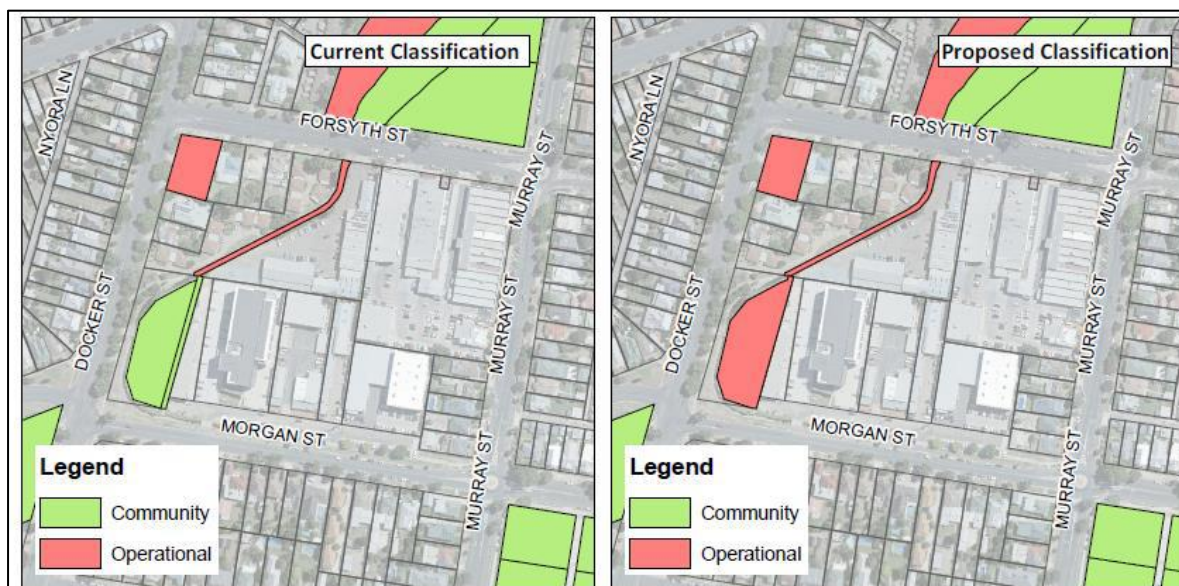
Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)





**Figure 5: Current and proposed Floor Space Ratio Map**

Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)



**Figure 6: Current and proposed classification of Part Lot A DP 331461 and Lot 1 DP 375748**

Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)

## 2.3 Mapping

The planning proposal includes proposed Land Zoning, Height of Building and Floor Space Ratio Maps which illustrate the proposed amendments to the Wagga Wagga LEP 2010. The planning proposal also includes a map which identifies the land proposed to be reclassified from community to operational land. The maps are considered suitable for community consultation.

## 3. NEED FOR THE PLANNING PROPOSAL

The planning proposal states that the proposed amendments to the Wagga Wagga LEP 2010 seek to maximise development opportunities on land within an existing mixed-use precinct.

The planning proposal estimates that the proposal will facilitate the development of an additional 8,600 square metres of retail space and 24,000 square metres of office space on the site, accommodating up to 1,000 jobs. This is in addition to 201 additional dwellings. There is currently 8,000 square metres of retail space and 6,000 square metres of office space on the site.

As an existing mixed use precinct, the site has potential to be a key infill site within the city. By extending the B4 Mixed Use Zone and amending the applicable floor space ratio and maximum building height, the development potential of the site can be maximised, leading to additional opportunities for housing and employment generating development.

While the proposed development outcome has the potential to have amenity impacts on the surrounding area, the planning proposal notes that the site can be developed in a manner which mitigates any such impacts. Given the site is an existing mixed-use precinct, it is considered an appropriate location for infill development. Traffic, urban design and other considerations will be assessed by Council as part of the development assessment process.

The proposed rezoning of additional land to B4 Mixed Use is consistent with zoning of adjoining land and as demonstrated by the planning proposal, does not result in the loss of important community land. The community land proposed to be rezoned and reclassified does not contain community facilities or infrastructure and is not available for use by the public.

The planning proposal is the best means of achieving the intended outcome. Although the applicable maximum building height and floor space ratio could be varied by Council under clause 4.6 of the Wagga Wagga LEP 2010, the Gateway process is considered a more appropriate mechanism given the scale of proposed development outcome.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

There is no applicable state strategic planning framework.

### **4.2 Regional / District**

Land in the Wagga Wagga Local Government Area is subject to the Riverina Murray Regional Plan 2036. The planning proposal states that it is consistent with the Regional Plan and identifies the following Goals and Directions as applicable:

- Goal 1: A growing a diverse economy
- Goal 3: Efficient transport and infrastructure networks
- Goal 4: Strong, connected and health communities
- Direction 25: Build housing capacity to meet demand
- Direction 26: Provide greater housing choice
- 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, investment and employment opportunities by facilitating infill development within an established mixed use precinct.

#### **4.3 Local**

The planning proposal states that it is consistent with the Wagga Wagga Spatial Plan 2013/43.

The Spatial Plan encourages opportunities for infill development and promotes innovative housing design and quality built environments.

As an existing mixed use precinct, the site has potential to be a key infill site within the city. The proposed amendments to the Wagga Wagga LEP 2010 will maximise the development potential of the site, leading to additional employment and housing opportunities.

In particular, the proposed amendments to the Floor Space Ratio and Height of Buildings Maps will facilitate better-quality development outcomes on the site by providing flexibility for the built form to be distributed in a manner which better responds to the character of the surrounding area.

#### **4.4 Section 9.1 Ministerial Directions**

##### **1.1 Business and Industrial Zones**

The planning proposal identifies Direction 1.1 Business and Industrial Zones as applicable. The direction is applicable as the planning proposal affects land within existing and proposed business zones.

The planning proposal states that is consistent with the terms of this direction as it encourages employment growth, retains existing areas of employment land and does not reduce potential floor space area for employment uses.

The planning proposal is consistent with the direction as it seeks to maximise opportunities for commercial development on land within an existing mixed use precinct.

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

##### **3.1 Residential Zones**

The planning proposal identifies Direction 3.1 Residential Zones as applicable. The direction is applicable as the planning proposal affects land within an existing residential zone and land on which significant residential development is proposed to be permitted.

The planning proposal states that it is consistent with the terms of this direction as it will permit higher density residential development, broaden housing choice, make more efficient use of existing infrastructure and services, not consume greenfield land on the urban fringe and be of good design.

The planning proposal is consistent with the direction as it seeks to facilitate higher density residential development on land within an existing mixed use precinct with access to existing infrastructure and services.

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

##### **3.4 Integrating Land Use and Transport**

The planning proposal identifies Direction 3.1 Residential Zones as applicable. The direction is applicable as the planning proposal creates and alters zones and provisions relating to urban land.

The planning proposal states that it is consistent with the terms of this direction as it ensures mixed use development will occur in a location with access to a variety of transport modes.

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.

#### 5.10 Implementation of Regional Plans

The planning proposal identifies Direction 5.10 Implementation of Regional Plans as applicable. The direction is applicable 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 generally consistent with the Riverina Murray Regional Plan 2036. An assessment of the proposals consistency with the Regional Plan is contained in section 4.2 of this report.

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

#### 6.2 Reserving Land for a Public Purpose

The planning proposal does not identify Direction 6.2 Reserving Land for Public Purposes as applicable. The direction is applicable as the planning proposal relates to land zoned for public purposes.

The planning proposal seeks to rezone Lot A DP 331461 and Lot 1 DP375748 from RE1 Public Recreation to B4 Mixed Use and reclassify the land from community to operational land. In accordance with the terms of the Direction, a planning proposal must not reduce existing zonings or reservations of land for public purposes without the approval of Secretary.

An addendum to the planning proposal prepared by Council includes an assessment of the impact of the proposed rezoning and reclassification of community land. The community land proposed to be rezoned and reclassified is currently leased by a community club and does not contain community facilities or infrastructure available for use by the public.

The justification for rezoning and reclassifying the land is considered adequate as it will facilitate the development of the land in a manner that is consistent with the zoning and character of the adjoining mixed use precinct.

**Recommendation:** The Secretary's delegate issue a Gateway determination allowing the planning proposal to proceed.

#### **4.5 State environmental planning policies (SEPPs)**

The planning proposal identifies the following SEPPs as applicable:

- SEPP No 55 – Remediation of Land
- SEPP 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.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The planning proposal states that the commercial and residential development opportunities facilitated by proposed amendments to the Wagga Wagga LEP 2010 will provide additional employment and housing within the city.

Urban design and traffic investigations have been undertaken in support of the planning proposal. The planning proposal notes that development facilitated by the proposed amendments to the Wagga Wagga LEP 2010 can be designed in a manner which mitigates amenity impacts on the surrounding area.

In this regard, 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.

As noted above, the community land proposed to be rezoned and reclassified is currently leased by a community club and does not contain community facilities or infrastructure available for use by the public. Accordingly, the proposed rezoning and reclassification of the land is considered to have minimal social impact.

### **5.2 Environmental**

The site to which the planning proposal applies is not affected by important environmental values, cultural or heritage significance or natural hazards.

### **5.3 Economic**

As noted above, the planning proposal states that the proposed amendments to the Wagga Wagga LEP 2010 will facilitate additional commercial and residential development opportunities on the site.

The planning proposal estimates that the proposal will facilitate the development of an additional 8,600 square metres of retail space and 24,000 square metres of office space on the site, accommodating up to 1,000 jobs. This is in addition to 201 additional dwellings. There is currently 8,000 square metres of retail space and 6,000 square metres of office space on the site.

While the planning proposal seeks to facilitate a significant amount of additional mixed-use development outside the CBD, Council notes that the site is emerging as a key office precinct which the planning proposal states cannot be achieved in the CBD due to existing building constraints. The small increase in retail floor space estimated to be facilitated by the planning proposal is unlikely to have significant impact on the primacy of the CBD as a centre for retail.

The planning proposal states that as the site is within an existing urban area and has access to existing infrastructure and services. Council has noted that investigations into required upgrades to stormwater infrastructure will be required as part of any future development applications.

## **6. CONSULTATION**

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### **6.1 Community**

In accordance with LEP practice note PN 16-001, planning proposals to reclassify public land must be publicly exhibited for at least 28 days.

Council is also required to hold a public hearing when reclassifying land from community to operational in accordance section 29 of the Local Government Act 1993.

### **6.2 Agencies**

Council has not proposed any consultation with government agencies. Given the planning proposal seeks to facilitate a local development outcome on a site within an existing urban area, consultation with government agencies is not considered necessary.

## **7. TIME FRAME**

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The planning proposal indicates that the plan-making process 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.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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As the planning proposal seeks to reclassify Council owned land, Council has not requested authorisation to be the local plan-making authority.

In accordance with LEP practice note PN 16-001, a planning proposal which seeks to remove the public reserve status and/or discharge any interests affecting public land require the Governor's approval.

Given the land proposed to be reclassified is not a public reserve in accordance with the *Local Government Act 1993* and the planning proposal does not seek to discharge any interests affecting the land, Council may be authorised as the local plan-making authority.

As the planning proposal seeks to facilitate a local development outcome, it is recommended that Council be authorised as the local plan-making authority.

## **9. CONCLUSION**

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It is recommended that the planning proposal proceed subject to community consultation. The planning proposal seeks to maximise the development potential of an existing mixed-use precinct, facilitating mixed-use infill development within the city. In addition, the proposed rezoning and reclassification of Lot A DP 331461 and Lot 1 DP375748 will not result in the loss of significant community land.

## **10. RECOMMENDATION**

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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.



26/7/19

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