

RP-4 PLANNING PROPOSAL - LEP20/0010 - AMEND WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN HEIGHT OF BUILDING CONTROL AT 63-65 JOHNSTON STREET, WAGGA WAGGA**Author:** Adam Wood**Director:** Michael Keys

Summary: Council is in receipt of Planning Proposal LEP20/0010 to amend the Wagga Wagga Local Environmental Plan. The Planning Proposal means to increase the Height of Buildings Map as it applies to Lot 1 DP 1028542 at 63-65 Johnston Street. This would allow new or refitted buildings up to 25 metres tall, as opposed to the current 16 metres limit. The planning proposal has been assessed and has been found consistent with the planning provided for the city by Council and regional and state planning policies and strategies. Planning Proposal LEP20/0010 is recommended for endorsement to proceed to Gateway Determination by the Department of Planning, Industry and Environment.

Recommendation

That Council:

- a note and support Planning Proposal LEP20/0010 to amend the Wagga Wagga Local Environmental Plan as it applies to Lot 1 DP 1028542.
- b submit Planning Proposal LEP20/0010 to the NSW Department of Planning, Industry and Environment and request a Gateway Determination.
- c receive a further report after the public exhibition period addressing any submissions made in respect of the planning proposal.

Planning Proposal Details

Applicant: This is an externally-initiated planning proposal developed by the land owner.

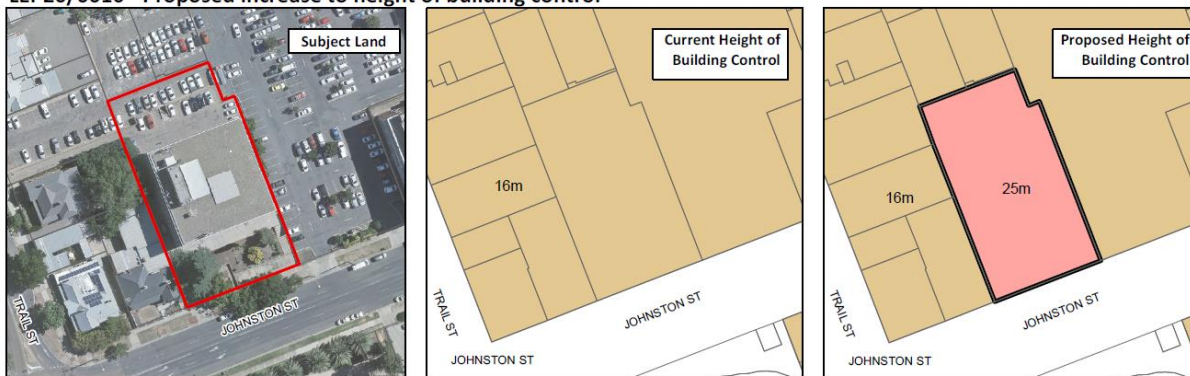
Land Owner: Wollundry Investments Pty Ltd.

Director: Rodney Kendall

Director: Robert Davies

Council staff have conducted assessment of a planning proposal submitted by Wollundry Investments Pty Ltd. The planning proposal intends to increase the LEP Height of Buildings Map HOB_003C as it affects Lot 1 DP 1028542. The increase proposed is from the present 16 metre height limit to a new 25 metre height limit. The change to Wagga Wagga LEP Map HOB_003C is illustrated as follows.

LEP20/0010 - Proposed increase to height of building control



The subject land is located within the northern portion of the Wagga Wagga CBD, overlooking the Wollundry Lagoon from the northern, opposing side of Johnston Street. This location is approximately 120 metres from Fitzmaurice Street, the northern part of the main street of Wagga Wagga. Occupying a centrally located position within the city, the subject land is nearby to various keys locations and amenities and already embedded within the established infrastructural networks of the city.

The objective of the planning proposal is limited in its extent. The planning proposal proposes only the step increase to allowable building height as detailed above. No change to other provisions including zoning and floor space ratio are proposed. As a result, the interaction of the proposed height limit with these other continuing provisions has formed a key consideration in the assessment of the planning proposal.

Key considerations

1. Strategic significance of the Wagga Wagga CBD

Council has recently endorsed the Wagga Wagga Local Strategic Planning Statement. This document provides a pathway to guide the continued growth and development of the city and local government area through to 2040. The Wagga Wagga CBD is one of six key sites to provide the foundation for the future economic activity and growth of the city and region.

Principle 9 of the LSPS details aspirations for the future success of the Wagga Wagga CBD area. This section includes discussion and guidance concerning key aspects to accomplishing this success. In this instance, urban design and activation are both central to the merit of the planning proposal

The planning proposal adheres to the LSPS' direction for the Wagga Wagga CBD, by enabling the development of additional floorspace. This facilitates the placement of additional activities within the confines of the CBD, in close proximity to the variety of other activities occurring in the central city. This aggregation of activities of various kinds, occurring at various times of the day, boosts the overall level of activity occurring within the city. The LSPS specifically calls for the use of higher buildings as a component of the urban design response to accomplish this. Planning Proposal LEP20/0010 specifically responds to this direction, by elevating development potential within the B3 Commercial Core zone and will increase the contribution of the subject land to overall activity levels within the city.

2. Future development potential within precinct and planning contexts

The increase of an additional 9 metres in permissible building height implies future development of two additional storeys to the existing four storeys. The provisions applying to the site would also continue to permit the complete redevelopment of the site. This would likely result in a new structure of up to 6 storeys, designed in accordance with contemporary DCP requirements and the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.

As outlined in the earlier part of this report, the planning proposal seeks to amend only the Height of Building Map applying to Lot 1 DP 1028542. A key part of the suitability of the planning proposal is the compatibility of the new building height control with the continuing provisions applying to the site and with pre-existing development within the local precinct. Key amongst these provisions is the floor space ratio, which is presently 2:1 across the subject land. Investigation of the subject land and existing and future development in relation to is detailed in the attached assessment report.

The assessment report finds that development up to the new height limit, within the existing building footprint only, would approximate the maximum floor space allowable under the current floor space ratio. Therefore, the new height limit appears well calibrated on this measure, as it allows the existing floor space ratio, to be properly exploited. If the site were redeveloped with a larger footprint, the upper floors of that structure would need to be slimmer than present to remain within the confines of the floor space ratio requirement.

Assessment of the planning proposal has also explored the impact of additional building height on the adjoining area and view scapes. Shadow casting from the existing development principally affects commercial sites located at 67 and 69 Johnston Street (southwest of the existing Wollundry Chambers building) during the morning hours. If this building is extended vertically, this shadow casting would extend further across these buildings.

While the increase to building height will be visible from the surrounds, the affect is incremental to development already existing in situ. To the east and south, commercial buildings and tree canopy associated with Wollundry Lagoon largely obscure the subject site until the viewer is nearby to the site. From the west, additional height will be more readily visible. Despite this, the subject site is setback into the subject city block from Trail Street to the west, which reduces the imposition of taller development upon streetscapes to the west.

The B3 Commercial Core zone currently permits shop-top housing where residences may be located above ground floor commercial floorspace. Further, Council intends to develop a CBD Master Plan. It is conceivable that this will further open opportunities for additional residential development in high density, inner city contexts. Further, the serviced apartment development foreshadowed by the planning proposal is not entirely dissimilar to development for other, more permanent lodgings. The assessment report provides commentary against the SEPP 65 Principles for higher density residential design. It finds that the new height limit provides the opportunity for future development to perform well against the design principles and deliver high-quality development outcomes to the site.

3. Heritage considerations

The site is within the Wagga Wagga Heritage Conservation Area, but the significance of urban features in the immediate area varies. The subject site itself does not greatly contribute to heritage values in the city. It is however visible from some parts of two significant locations for the city's heritage, those being Fitzmaurice Street and the Wollundry Lagoon, an Aboriginal Place.

The subject land and surrounds to the north of Wollundry Lagoon have already been extensively developed. To date this has not diminished the significance of the Wollundry Lagoon, which will remain a key location both as an Aboriginal Place and as a public space within Central Wagga Wagga. Future redevelopment will not alter this significance. This will be further ensured through consideration of this point as a part of any development approval process that arises in future.

Fitzmaurice Street is the heritage main street of the city. A direct view line to the subject land can be achieved from the junction of Fitzmaurice Street and Johnston Street. This sightline to the existing development on site is mostly blocked by the office building to the east of the subject land. A future complete redevelopment of the site placing structures nearer to the frontage of Johnston Street would be more apparent from the Fitzmaurice-Johnston intersection, but this would be the case irrespective of any change to the LEP. In the event that this occurs, Council has sufficient ability through the guidance of the Wagga Wagga DCP, SEPP 65 and merit assessment to ensure that a suitable design outcome is obtained.

The site is obscured from Fitzmaurice Street by varied two and three storey development along the main street. Viewed from the Fitzmaurice Street bridge spanning the Wollundry Lagoon, the site and existing development are also heavily, though not entirely, obscured by canopy foliage associated with the Wollundry Lagoon parklands.

Financial Implications

The planning proposal has originated externally to the organisation. The planning proposal was identified as a medium complexity amendment to the Wagga Wagga Local Environmental Plan 2010 using the FY2020/21 grading schema in effect at the time of submission. Council has levied planning proposal fees totalling \$16,000, as per Council's fees and charges.

The planning proposal provides for the intensification of development on the subject land with additional building storeys and floor space. This may be achieved through additional development on the site, improvement to the existing development or complete redevelopment of the site. This has financial implications for Council into the future.

Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 enables Council to levy contributions, where anticipated development will or is likely to increase the demand for public facilities. Section 64 of the Local Government Act 1993, Section 306 of the Water Management Act 2000 as well as the City of Wagga Wagga's Development Servicing Plan for Stormwater 2007 and/or City of Wagga Wagga Development Servicing Plan for Sewerage 2013 enable Council to levy developer charges based on the increased demands that new development will have on sewer and/or stormwater

infrastructure. The Section 7.11 and Section 64 contribution applies to any future development consent on the land. This will be applicable to future Development Applications applying to the subject land.

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 formal public consultation process. This may result in additional pressure on Council to amend the Wagga Wagga LEP as it applies to other lands.

The planning proposal has been assessed to be consistent with the intent of the Wagga Wagga Local Strategic Planning Statement as it applies to the Wagga Wagga CBD. A refusal of the planning proposal would likely meet with pre-Gateway review by the NSW Department of Planning, Industry and Environment and may lead to questioning of Council's commitment to implementing previously endorsed strategic directions and overall community confidence in Council's endorsed strategic documents.

Internal / External Consultation

The planning proposal has been the subject of internal consultation in regard to its effect and implications. The planning proposal is supported in principle.




A Councillor workshop was held on March 15, 2021.

Formal public consultation with the general public and referral agencies will occur after the Gateway Determination. This will consist of a six week public exhibition and submission period. An engagement plan is attached detailing the intended engagement method.

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		✓			✓				✓							✓	
Involve																	
Collaborate																	

Attachments

1.  Planning Proposal LEP20-0010 - Provided under separate cover
2.  LEP20-0010 - Assessment Report - Provided under separate cover
3.  LEP20-0010 - Engagement Plan - Provided under separate cover