



IRF22/3037

Gateway determination report – PP-2022-2845

Rezone land from SP2 Educational Establishment to R1 General Residential for land at part of 20 Hely Avenue, Turvey Park and part of 121 Fernleigh Road, Turvey Park.

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning proposal Assessment report prepared by Wagga Wagga City Council, reference LEP21/0003
Addendum to the planning proposal, by Wagga Wagga City Council, dated 8 August 2022
Planning proposal prepared by Salvestro Planning, Revision 2.0, dated November 2021
Ecological Assessment prepared by Green Tape Solutions, dated 11 November 2021

Traffic and Transport Assessment Report, prepared by Cardno Victoria Pty Ltd, dated 1 November 2021

Site Audit Report prepared by Envirocene Pty Ltd, dated 8 July 2020

Detailed Site Investigation prepared by DM McMahon Pty Ltd, dated 20 December 2019

Remediation Action Plan prepared by iEnvironmental Australia Pty Ltd, 3 July 2020

Statement of Heritage Impact prepared by Noel Thomson Architecture, dated October 2021

Stormwater Management Plan prepared by Biofilta Pty Ltd, dated 20 Oct 2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Wagga Wagga
PPA	Wagga Wagga City Council (Council)
NAME	Amend zone from SP2 Educational Establishment to R1 General Residential for land at part of 20 Hely Avenue, Turvey Park and part of 121 Fernleigh Road, Turvey Park (90 Dwellings).
NUMBER	PP-2022-2845
LEP TO BE AMENDED	Wagga Wagga Local Environmental Plan 2010 (WWLEP 2010)
ADDRESS	Part of 20 Hely Avenue, Turvey Park and part of 121 Fernleigh Road, Turvey Park.
DESCRIPTION	Lot 2 DP 1183166 and part of Lot 1 DP 1254451
RECEIVED	8/08/2022
FILE NO.	IRF22/3037
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
DWELLING HOUSES /JOBS	90/0
PCO and/or MAP ONLY	Map only

1.2 Objectives of planning proposal and explanation of provision

Section 2 on page 5 of the planning proposal report contains objectives and intended outcomes that adequately explain the intent of the proposal.

For the land at part of 20 Hely Avenue, Turvey Park and part of 121 Fernleigh Road, Turvey Park, the planning proposal intends to -

- remove restriction related to educational establishment for any development on the land and
- to enable variety of residential and other compatible developments

by rezoning from SP2 Educational Establishment to R1 General Residential with no minimum lot size, FSR or HOB controls in the LEP.

The objectives of this planning proposal are clear and adequate. The amendment to the LEP is likely to be a map only amendment.

1.3 Site description and surrounding area

The subject site (all of 20 Hely Ave and all of 121 Fernleigh Road, Turvey Park) is within close proximity to the Wagga Wagga CBD (3km), Wagga Wagga Health and Knowledge Precinct, and is located within the greater urban footprint of Wagga Wagga City. The local ambulance station is located within a building along the southern boundary of the site, Wagga Wagga Showground is located to the north and the Riverina Juvenile Justice Centre is located to the west of the Site. The uses to the south and east of the site are predominantly low density residential (single detached dwellings).

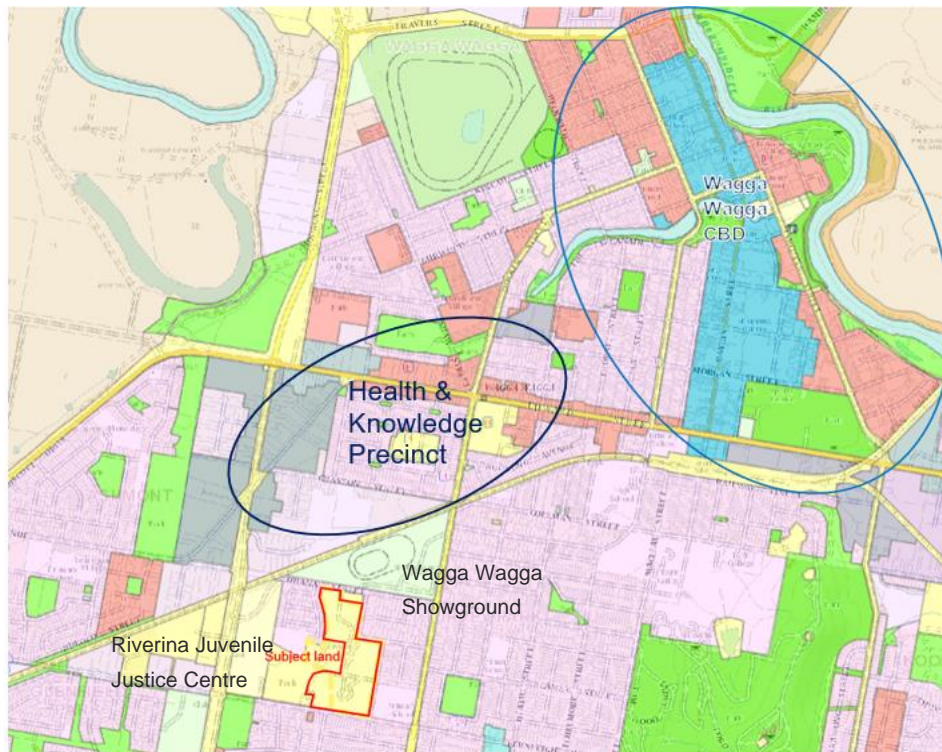


Figure 1 Subject land and surrounding (source: ePlanning Spatial viewer, 2022)

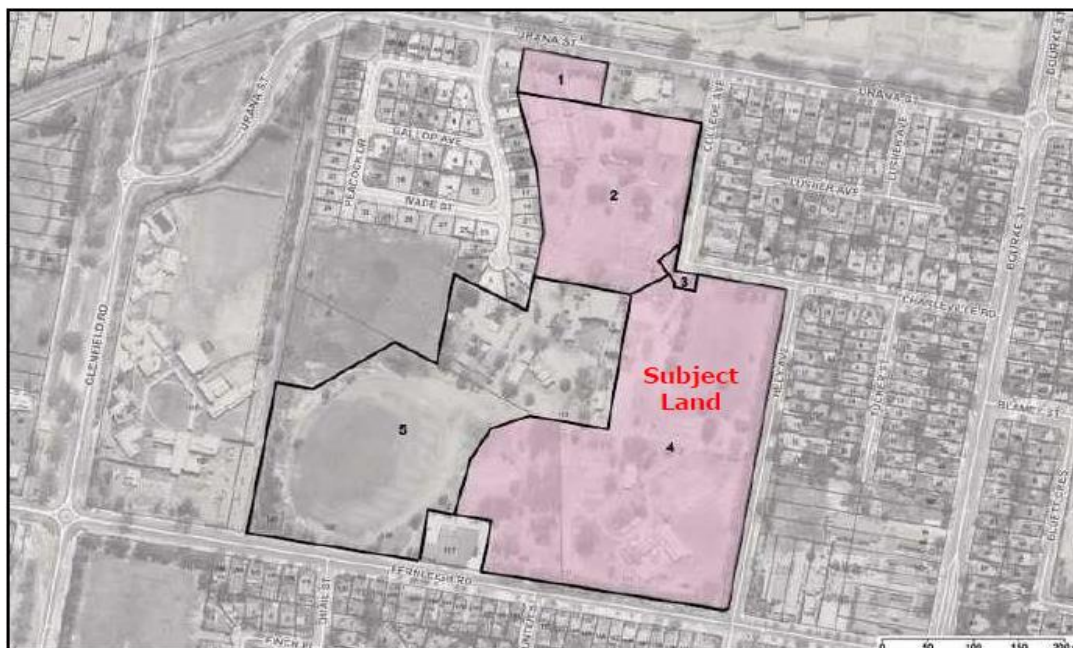


Figure 2 Subject land (source: Planning Proposal report, 2021)

The subject site was used as Charles Stuart University (CSU) campus (South) and included various educational buildings, landscaping, associated infrastructures and a recreational park. Currently, only some of the buildings on the subject site are being used for educational purpose.

For the purpose of identifying areas subject to this planning proposal (referred to as the subject land) within the site, the subject land is divided into 5 separate parcels as depicted under Figure 2. Parcels 1, 2, 3 and 4 are identified to be rezoned under this planning proposal and is approximately 12.34ha in size. All non-residential uses (educational and recreational) will be located under the parcel 5 and is not subject to this planning proposal.

An aged care facility currently being constructed is contained within parcel 2. The remainder of subject land has been mostly cleared with some vegetation retained. This included demolition of vacant buildings.

1.4 Mapping

The planning proposal includes adequate mapping showing the proposed changes to the Zone (LZN_004D) map, which are suitable for community consultation.

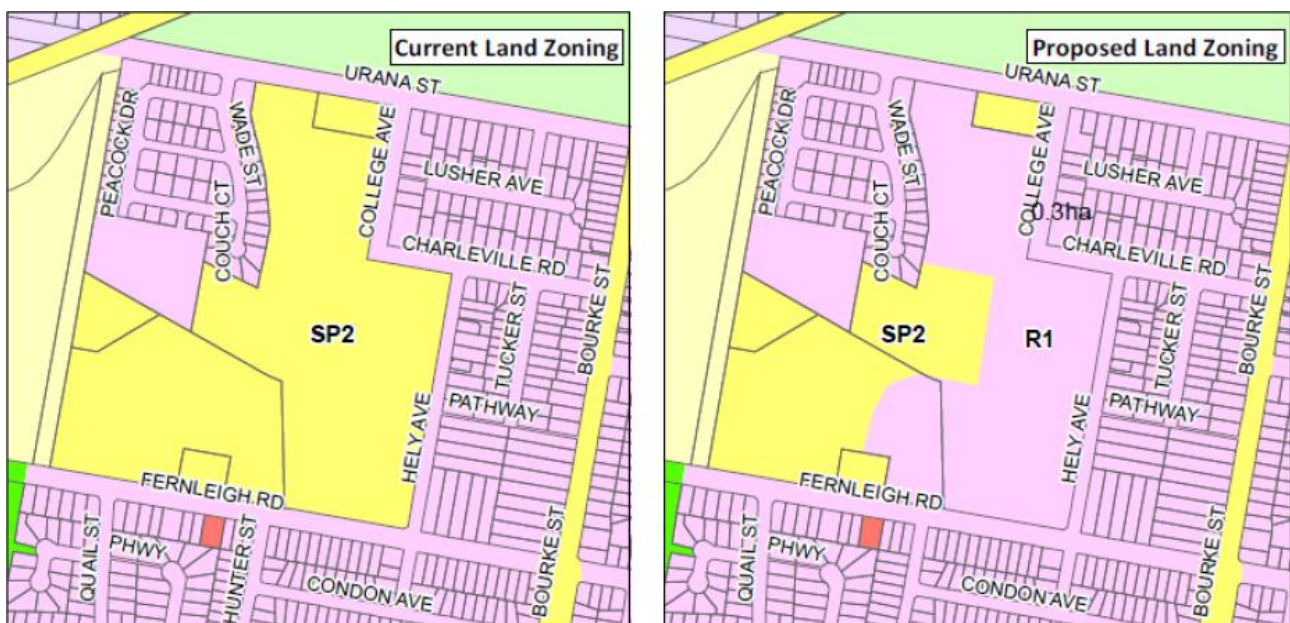


Figure 3 Current and proposed zoning map (source: Planning proposal report Addendum, 2022)

1.5 Background

There has been a number of approvals for the site as below-

- DA08/0606 – 2 Lot Subdivision (Vet Building)
- DA14/0041 – Demolition of Buildings & Ancillary Works
- DA14/0151 – Educational Establishment (K-12 School), including Alterations and fit-out of Former Lecture Rooms & Installation of Demountable Classrooms
- DA15/0637 – Removal of trees
- DA18/0175 – 2-Lot Subdivision to separate the Saint Mary MacKillop College from the main site
- SCC_2018_WAGGA_001_00- Site Compatibility Certificate (SCC) issued for
 - 144 beds - aged care facility (stage 1)
 - High care units
 - 20 assisted living units

- 150 self-care units
- Community clubhouse
- Landscaped open space
- DA19/0001(Commenced) - an Aged Care Facility (9,317m²) to be located within the northern portion of the site and will comprise of the demolition of the existing buildings on site, removal of 112 trees and the construction of a 144 bed Aged Care Facility.

1.6 Strategic direction for the land

The approved SCC for the site determined the land is suitable for seniors living. A subsequent DA (under the SCC) for part of the site was approved to allow construction of the 144-bed aged care facility, which has commenced. The intention for the remainder of the site was to have a combination of independent (150) and assisted living (20) units for seniors.

The planning proposal will facilitate 90 dwellings instead of the 170 seniors living units previously envisaged.

Council acknowledges the reduction of potential seniors living housing and there being need for strategic work to guide housing need in Wagga Wagga, including seniors housing. Council's Local Strategic Planning Statement identifies preparation of a Housing Strategy as a short term action but this work is yet to be completed.

2 Need for the planning proposal

As discussed above, the planning proposal is not a result of a strategy for Wagga Wagga and the proposal will remove utilisation of the site for senior housing as approved by the SCC. Seniors housing is permissible in the proposed R1 zone but this will be driven by the market. Council acknowledges there is need for seniors housing and a housing strategy. The current zone for the site will permit development and use of the site for educational or related use, and seniors housing as approved by the SCC. The educational function of the site has been condensed to a smaller area of the subject site. This is also evident considering other organisations such as Saint Mary MacKillop Colleges and Riverina Conservatorium of Music are occupying the same area along with CSU.

The proposed change to R1 General Residential zone permits construction for various density housing typology (low, medium and high) and will allow the subject land to be developed to any density as per the market demand of area. This outcome could be achieved through Local provisions or as an Additional Permitted Use; however, these approaches may limit the types of uses permitted to be developed on the site and prevent flexibility to develop appropriate residential and associated non-residential uses (centre-based childcare, neighbourhood shops, shop top housing etc) for the subject land. The proposed amendment to change the zoning of the land is the most appropriate and transparent method to achieve the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the *Riverina Murray Regional Plan 2036*.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
--------------------------	---------------

Direction 22- Promote the growth of regional cities and local centres	The proposed amendment is consistent with the direction by enabling additional housing in regional city, Wagga Wagga. The additional housing will support the growth of Wagga Wagga by encouraging investment, providing additional supply of housing and contributing to temporary and ongoing growth of the local industry and services, which benefits immediate and broader regional community. The additional housing will also provide diverse housing option for the defence and aerospace industries which are significant for Wagga Wagga.
Direction 25- Build Housing Capacity to meet demand	The proposed amendment is consistent with the direction by enabling potential high-density development for the subject land. As discussed, the R1 General Residential zone permits a range of housing typology (dwelling house, multi-dwelling and residential flat building). Wagga Wagga, being a regional city is expected to support housing demand for the region and the subject land being in close proximity to the CBD, can be considered to be developed for higher density housing, should the market demand it.
Direction 26- Provide greater housing choice	The proposed amendment is consistent with the direction by enabling development of a range of housing choices for the subject land, which is underutilised at this stage. Although the intended development for the subject land (as per Council report and Ecological assessment) seems to be a combination of low to medium density development, the proposed zone will provide flexibility for residential development on the subject land.

In addition, *draft Riverina Murray Regional Plan 2041* has recently completed public exhibition and the following table includes an assessment of the planning proposal against relevant objectives of the draft plan.

Table 5 draft Riverina Murray Regional Plan assessment

District Plan Priorities	Justification
Objective 5 – Ensure housing supply, diversity, affordability and resilience	The proposal is consistent with the objective by enabling additional infill housing opportunity in regional cities to meet the supply demand challenge from the recent population growth in the regions. Additionally, the new housing will be constructed to the current thermal and energy efficiency standards.
Objective 6 – Support housing in regional cities and their sub-regions	The proposal is consistent with this objective if the development intended for the subject land can be developed for a range of low density and small lot housing. Given that a large proportion of the population reside within the Wagga Wagga city, development of higher density residential will contribute to housing the population who want to reside in the city.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Wagga Wagga Local Strategic Planning Statement 2021 (LSPS)	The proposal is consistent with the LSPS by enabling development of a diverse range of houses for a currently underutilised site which is located within the urban area of Wagga Wagga.

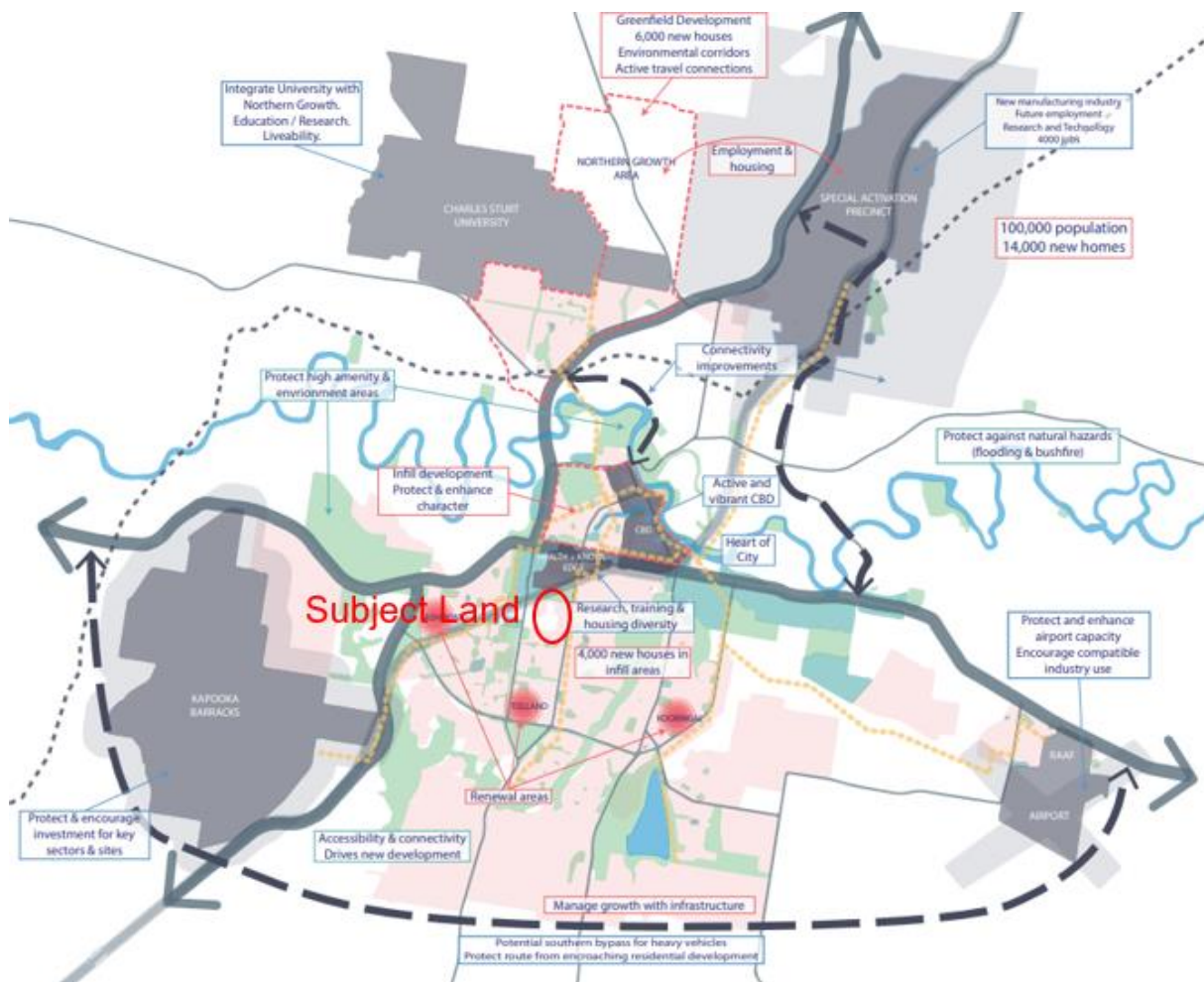


Figure 4 Subject land in context of the uses in the urban area (source: LSPS, 2021)

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The proposal is consistent with this Direction by being consistent with the current and draft regional plan applicable to the region.

3.1 Conservation Zones	Yes	The proposal accompanied by an Ecological Assessment report which considers the impact of the development and recommendation for which vegetation are to be retained. In this regard, the proposal is consistent with the Direction.
3.2 Heritage Conservation	Yes	The proposal accompanied a Statement of Heritage Impact which made recommendations for the conservation of the heritage and development of the subject land. The heritage impacted buildings are retained within the site 5 (Figure 2) and is separated from the proposed development. In this regard, the proposal is consistent with this Direction.
4.1 Flooding	No	The subject land is identified to have some overland flooding and the proposed amendment results in inconsistency with this Direction at this time by rezoning land that is affected by overland flow. There are adequate provisions in WWLEP and Wagga Wagga Major Overland Flow Floodplain Risk Management Study to assess and mitigate the impact on overland flow from any future development, which is appropriate to be undertaken during the development assessment stage. Additional discussion on the overland flooding to the site is provided under section 4.1 of this report. Council (PPA) is satisfied that the stormwater management plan submitted with the proposal was prepared in accordance with the floodplain risk study currently adopted by council. In this regard, the inconsistency with this direction is considered justified.
4.4 Remediation of Contaminated Land	Yes	The proposal is accompanied by a site audit report, detailed site investigating stages 1& 2, and a remediation action plan. Council is satisfied that the land can be made suitable for development subject to remediation works and as such the proposal is consistent with this Direction.
6.1 Residential Zones	Yes	The proposal is consistent by providing provisions that will permit development of a diverse housing typology within the existing urban fringe of the city thus utilising existing infrastructures and will be designed to the current standards in practice.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent	Reasons for Consistency or Inconsistency
SEPP 55 – Remediation of Land	Whether the land is contaminated	Yes	As per discussion for Ministerial Direction 4.4 Remediation of Contaminated Land under section 3.3 above.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	As per discussion for Direction 3.1 Conservation Zones under section 3.3.
Flooding	<p>According to the Wagga Wagga Major Overland Flow Floodplain Risk Management Study (WWMOFFS), some of the site is within the Overland Flood PMF (Possible Maximum Flood) extent with the rest identified as unaffected. WWMOFS was prepared in accordance with the NSW Government's flood prone land policy and is the current council policy on overland flooding matters in Wagga Wagga.</p> <p>The planning proposal was accompanied by a stormwater management plan which provides details for overland drainage flow from the potential proposed development on the site. The site naturally slopes from southeast corner to northwest of the site. The northern side of the site is already developed (aged care facility) with a combination of onsite stormwater detention and re-direction of flow onto a proposed overland flow channel. As per the management plan, the remainder of the site is not proposed to have any fill, rather staggering the site to mimic the natural slope of the land. There are several natural water basins in the middle of the site proposed to be upgraded to retain some of the overland flow and then to re-direct the flow to the overland flow channel. Additionally, each dwelling will have its own stormwater management system for on-site detention and discharge onto the local stormwater drainage system.</p> <p>Council (PPA) has considered the proposed stormwater management plan against the WWMOFFS and deemed it satisfactory for now. The actual impact of the potential overflow to the site from future development is appropriate to be assessed and mitigated accordingly during the development assessment for the site. For the purpose of this planning proposal, the impact is considered acceptable.</p>
Ground water and Salinity	The subject land is identified to have groundwater vulnerability under the Water Resources and Natural Resources Sensitivity Map in the LEP and identified to have salinity issues as per the SCC. Appropriate consideration for the ground water and salinity impact will be undertaken during the Development Application stage and the planning proposal has identified these matters as considerations for the development stage of the land. In this regard, the proposal is deemed satisfactory.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Housing Diversity and Availability	The proposal will facilitate additional dwellings in Wagga Wagga, which can be constructed to suit various demographic needs. Furthermore, the additional dwellings will help reduce demand for housing in Wagga Wagga and increase housing choice and affordability in the area that is close to the CBD and the health precinct.
Employment	The additional dwellings will increase short-term construction jobs in Wagga Wagga. Furthermore, the additional dwellings/population will increase demands for local services which may result in supplementary long-term jobs in the area.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Infrastructure	The additional dwellings will be serviced by existing infrastructure and development for the subject land will result in upgrading the services on and around the site such as footpaths, water and sewerage pipes etc. Utilisation of existing services will allow Council to effectively use infrastructure resources. All urban services are available to the area. Any upgrades to services will be considered by Council at the Development Application stage.
Traffic	A traffic and transport report assessment which supports the proposed amendment intended for the site has been included as part of this planning proposal. The traffic impact has been considered adequately by the Council.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise any concerns which require agencies to be consulted. Council may undertake consultation with relevant agencies during the exhibition stage as deemed necessary.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

Considering the nature of the amendment and further work that is required, the amendment can be finalised in a shorter timeframe. The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Having regard to the nature of the planning proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will provide additional dwelling house options to meet housing needs of the area, particularly the Wagga Wagga Health and Knowledge Precinct;
- The proposal will enable provision of improved public domain and infrastructure;
- The proposal will strengthen and support the local service industries and businesses.
- The proposal will contribute to utilisation of existing infrastructure and services.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Directions 4.1 Flooding is of minor significance and therefore is justified.

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

1. Prior to community consultation, the project timeframe to finalisation is to be updated to six months in the council report.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



30/9/2022

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29/9/2022

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