



IRF23/174

## Gateway determination report – PP-2022-4114

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Rezone land, amend the lot size map and apply urban release area provisions to Lots 23 and 25 DP757246 456 & 474, Plumpton Road, Rowan (known as 'Sunnyside')

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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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## Executive summary

This report recommends a planning proposal submitted for Gateway determination by Wagga Wagga City Council (Council) to rezone land to the south of the Wagga Wagga city (known as Sunnyside) does not proceed.

The planning proposal proposes to rezone land from RU1 Primary Production Zone with a 200-hectare minimum lot size to R1 General Residential Zone and RE1 Public Recreation Zone with no minimum lot size and apply Urban Release Area provisions to the subject land.

The Gateway request included a planning proposal prepared by the proponent (to rezone the land to R5 Large Lot Residential and RE1 Public Recreation) and an Addendum prepared by Council amending the proposal to reflect the changed zoning outcomes described above.

The site is located to the south of an existing R5 Large Lot Residential (R5) zoned area on the southern edge of the city of Wagga Wagga (see Figure 5 in section 2.1) and is part of an area Council refers to as the 'Southern Growth Area' (see Figure 9 in section 3.2). There is conflicting information to identify how much residential development the precinct could accommodate, as well as conflicting structure/master plans and proposed zoning outcomes.

The planning proposal is inconsistent with the Wagga Wagga Local Strategic Planning Statement 2021 (LSPS). The LSPS targets the Northern Growth Area as "the key area for urban expansion" and states it is the "clear choice for the urban expansion of [the city]". In addition, the LSPS indicates the city has enough capacity in existing urban release areas as well as infill and urban renewal sites to facilitate residential growth in the short to medium term. The LSPS does not refer to a 'Southern Growth Area'.

Council has justified the need for the planning proposal on the basis that additional greenfield residential areas are required in the short term. However, the planning proposal is not informed by:

- analysis to demonstrate the Southern Growth Area is an appropriate, or the best, short-term solution for housing,
- demonstration of a demand for greenfield residential development additional to that which will be provided by the Northern Growth Area,
- exploration of other alternate housing solutions within the city to facilitate any short-term need for additional housing,
- agency consultation to ensure the coordinated delivery of infrastructure and services in the Southern Growth Area
- community consultation to explain the shift in strategic direction from the relatively recent LSPS, and
- consideration of how a shift to the Southern Growth Area might affect the Northern Growth Area.

In addition, Council has not demonstrated how the Sunnyside proposal integrates with the adjoining Rowan Village planning proposal (see Section 3.3) or other land earmarked as forming part of the broader Southern Growth Area. There are several precinct-wide matters that have not been adequately considered, including the alignment of infrastructure provision and sequencing with development, high environmental value (HEV) biodiversity and integrated transport planning.

There are several site-specific matters that have resulted in inconsistencies with some Section 9.1 Ministerial Directions and parts of the *Riverina Murray Regional Plan 2041*, specifically issues relating to high environmental value (HEV) biodiversity, bushfire, rural land, heritage, integrated transport and land use planning, reserving land for public purposes, mining and extractive industries and flood planning.

Through the Addendum to the planning proposal, Council has also made significant changes to the proposed land use planning outcomes for the site without addressing the resultant inconsistencies with the proponent's assessment, technical studies and design outcomes.

The option of issuing a Gateway determination to address these matters was considered, instead this report recommends the proposal does not proceed as there is doubt that many of the identified concerns can be resolved in a reasonable timeframe. Further, while site-specific matters might conceivably be addressed over time, the overall inconsistency with Council's strategic planning is something that cannot easily be remedied without engagement with agencies and the community.

## 1. Planning proposal

### 1.1 Overview

**Table 1 Planning proposal details**

<b>LGA</b>	Wagga Wagga
<b>PPA</b>	Wagga Wagga City Council
<b>NAME</b>	Rezone to create an urban release area at 'Sunnyside', Rowan
<b>NUMBER</b>	PP-2022-4114
<b>LEP TO BE AMENDED</b>	Wagga Wagga Local Environmental Plan 2010
<b>ADDRESS</b>	456 & 474 Plumpton Road, Rowan
<b>DESCRIPTION</b>	Lots 23 & 25, DP757246 ('Sunnyside')
<b>RECEIVED</b>	Initial: 25/11/2022 Additional: 27/1/2023
<b>FILE NO.</b>	<a href="#">IRF23/174</a>
<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

**Appendix A** provides a list of reports and plans referenced in and relevant to this assessment.

### 1.2 Objectives of planning proposal

The objectives of the Council's Addendum to the planning proposal are to:

- rezone rural land to permit residential development,
- rezone land to provide open space and protect environmental values, and
- apply the urban release area requirements to the subject land.

### 1.3 Explanation of provisions

The Council Addendum to the planning proposal seeks to amend the Wagga Wagga Local Environmental Plan 2010 per the changes below:

**Table 2 Current and proposed controls**

Control	Current	Proposed
Zone	RU1 Primary Production	R1 General Residential RE1 Public Recreation
Urban Release Area provisions	None	Apply
Minimum lot size	200 ha	No lot size
Number of dwellings	1	700 (based on Council assumption of 8 dwellings per hectare) but no MLS
Number of jobs	N/A	N/A

The Council's Addendum does not adequately explain how the objectives of the proposal will be achieved. It proposes zoning outcomes that are significantly different from the original planning proposal outcomes (see Figure 1), has not justified these changes and has not updated the associated technical studies submitted with the original proposal.

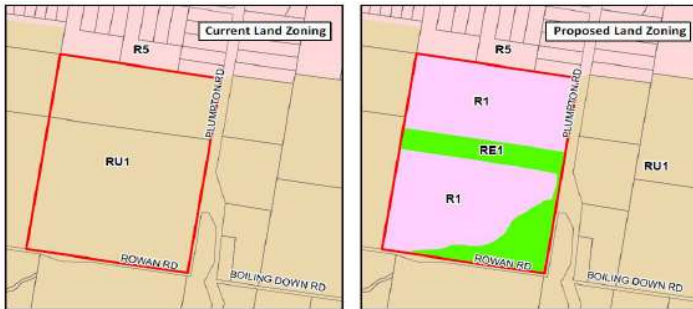
### 1.4 Mapping

Council's Addendum to the planning proposal proposes to amend:

1. zoning Map Sheet LZN\_004E to rezone the subject land from RU1 Primary Production to R1 General Residential and RE1 Public Recreation (see current and proposed zoning maps at Figure 2)
2. lot size map LSZ\_004E to remove the lot size applying to the subject land (see Figure 3)
3. create new map sheet URA\_004E and identify the subject land as an urban release area (see Figure 4).



**Figure 1 Proposed zone outcomes (1) original proposal, (2) Council Addendum** (source: Planning Proposal)



**Figure 2 Current and proposed zoning map** (source: Addendum p5)



**Figure 3 Current and proposed lot size map** (source: Addendum p6)



**Figure 4 Current and proposed urban release area map** (source: Addendum p6)

## 2. Subject land

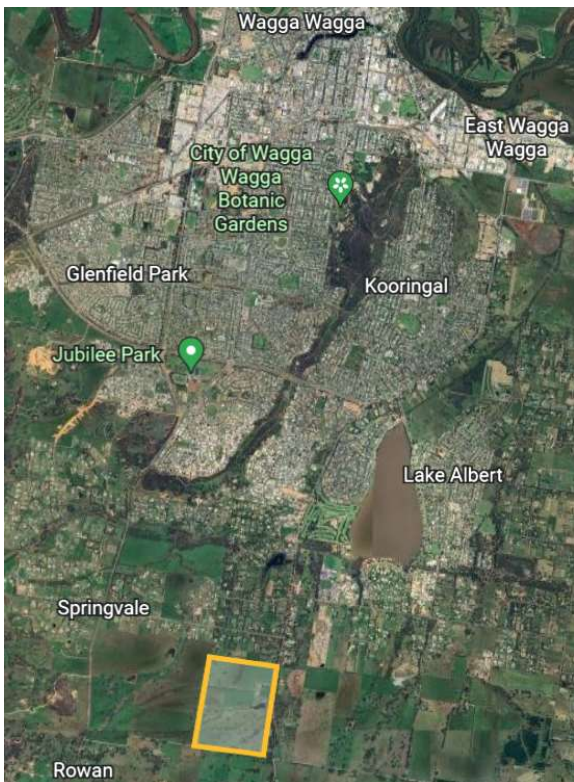
### 2.1 Site description and surrounding area

The subject land is 110 hectares in size, located beyond the southern edge of Wagga Wagga city's rural residential area, approximately 8 kilometres from the city centre (see Figure 5).

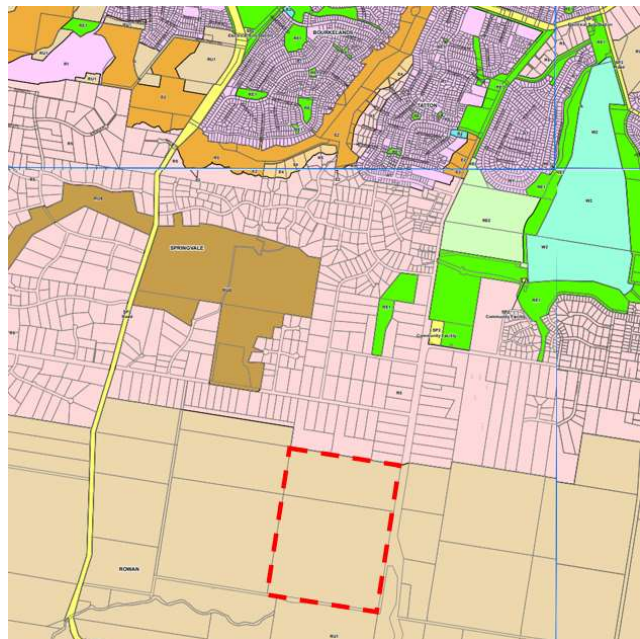
Figure 6 shows the subject site in context with adjoining zoned land. To the north is a large area zoned R5 Large Lot Residential (lots range from approx. 6,000m<sup>2</sup> to 2 ha). To the east, west and south, the site is surrounded by rural land.

The subject land is bounded by Plumpton Road on its eastern boundary and by Rowan Road (an unsealed accessway) on its southern boundary and has been used for agriculture, including cropping, pasture improvement and grazing.

A north-north-west to south-south-west 330kV transmission line dissects the western portion of the site. An easement with 330kV transmission lines adjoins the southern boundary of the site and connects to the nearby Wagga Wagga 330kV substation, which is part of HumeLink, a new 500kV transmission line and substations connecting Wagga Wagga with Snowy Hydro 2.0 and other renewable energy projects in the east.

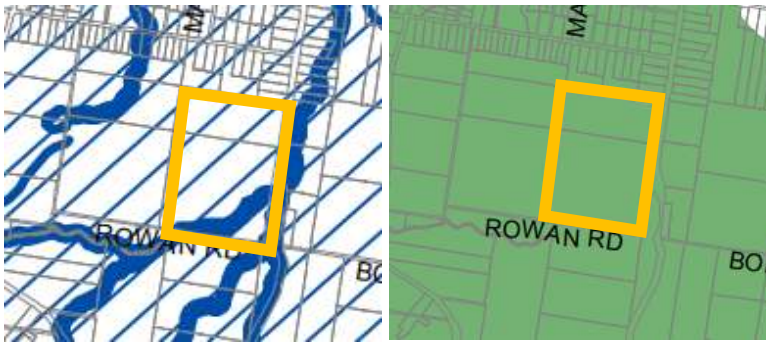


**Figure 5 Site context** (source: Google Earth 2023)



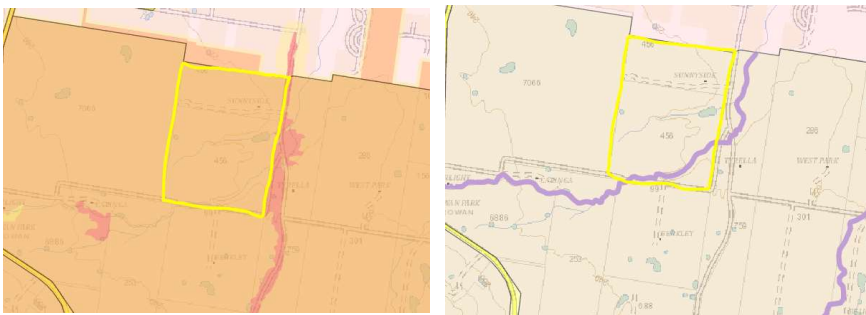
**Figure 6 Subject land** (source: Land Zoning maps)

The subject land is shown as “water” and “water course” and is identified as having “biodiversity” on the Wagga Wagga Local Environment Plan 2010 Natural Resources Sensitivity Maps (see figure 7). Stringybark Creek and an unnamed water course traverse the site and both experience some flooding and overland flow.



**Figure 7 Extracts: (1) Natural Resources Sensitivity Map – Water; (2) Natural Resources Sensitivity Map – Biodiversity** (source: Planning Portal)

The subject land is identified Category 1 bushfire prone land (with Category 3 land adjoining the eastern boundary of the site along Plumpton Road). It is also identified as land with high biodiversity value that is sensitive to impacts from development and clearing (see Figure 8).

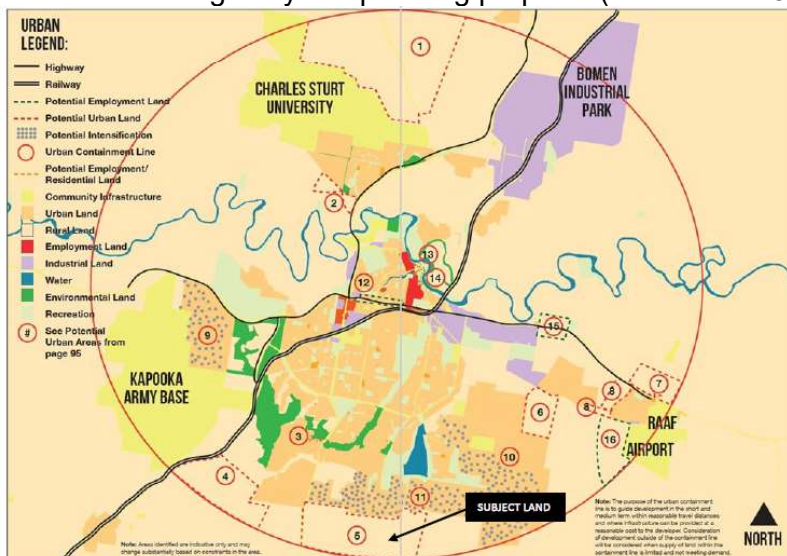


**Figure 7 (1) Bushfire Prone Land; (2) Biodiversity Values Map** (source: ePlanning Spatial Viewer)

### 3. Background

#### 3.1 Wagga Wagga Spatial Plan 2013-2043

Both the original planning proposal and Council’s Addendum noted the subject land was included in the Wagga Wagga Spatial Plan 2013-2043 (see Figure 8) as an area that may be suitable for residential development subject to a future housing strategy. However, the LSPS superseded the Spatial Plan in February 2021 and now provides Council’s strategic land use planning context. The LSPS does not identify the Southern Growth Area or the subject land for further development of the scale envisaged by this planning proposal (see Section 5.3 for more information on LSPS).

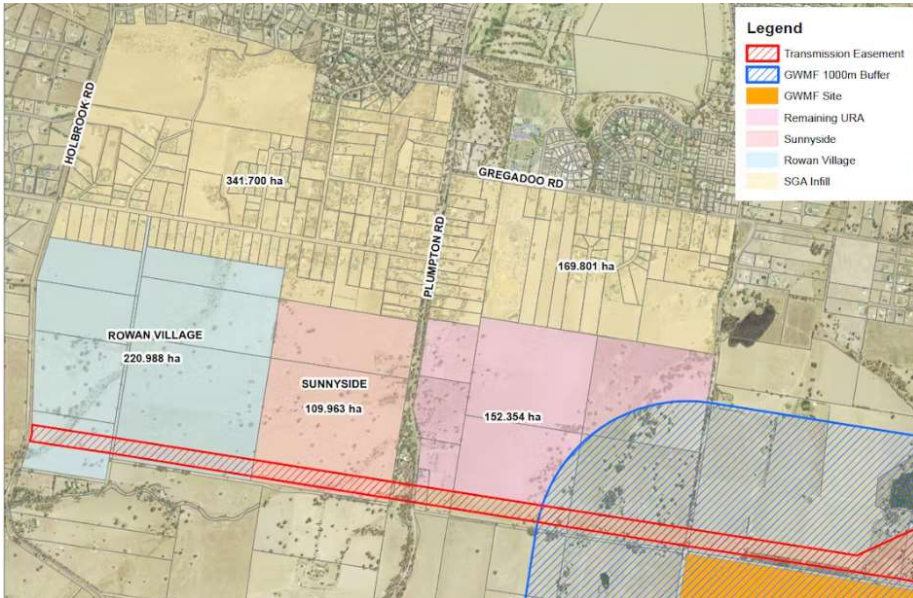


**Figure 8 Extract Wagga Wagga Spatial Plan 2013-2043 - superseded by LSPS** (source: Planning Proposal)



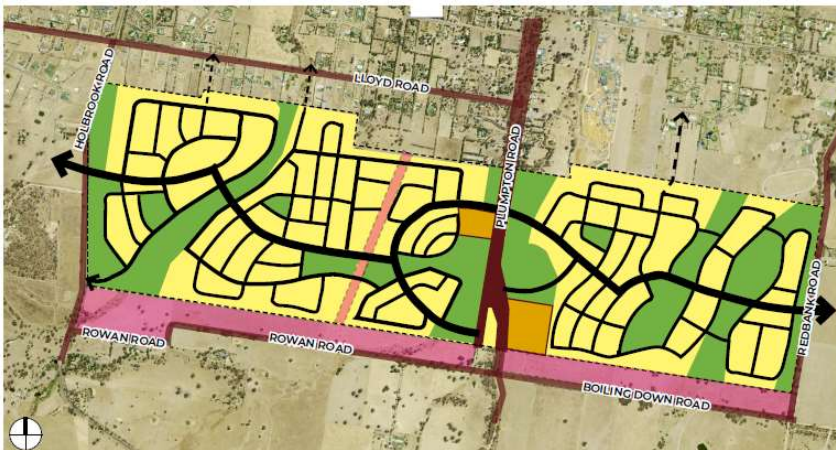
### 3.2 “Southern Growth Area”

The “Southern Growth Area” (identified in Figure 9) was included in the Council Addendum to the Planning Proposal and in the Council reports of 11 October 2021 and 22 August 2022, to support the Sunnyside and Rowan Village proposals respectively. The precinct includes three greenfield development areas and infill of the existing R5 and RU6 zoned areas to collectively provide 6,500 dwellings (approx. 15,600 people).



**Figure 9 Southern Growth Area** (source: Council Addendum to the Planning Proposal)

Three separate structure and master plans have been prepared for parts of the Southern Growth Area (see Figures 10-12). The status of these plans is unclear with each providing different urban design outcomes. Council’s Addendum has not clarified how the structure plans relate to each other and they do not appear to be the result of community and agency consultation.



**Figure 10 Master Plan across Southern Growth Area greenfield sites** (source: Sunnyside Planning Proposal)



Figure 11 Rowan Village Master plan (source: Rowan Village Planning Proposal)



Figure 12 Council's high-level structure plan, prepared by Urbis (source: Wagga Wagga City Council)

### 3.3 Rowan Village planning proposal

On 26 April 2022, a planning proposal was lodged with Council for the site adjoining the subject land's western border, known as 'Rowan Village'. This site is also located in the Southern Growth Area and proposes to rezone land to permit residential development, large lot residential development, public recreation areas and a commercial centre. It proposes to create approx. 2,100 dwellings (see Figure 13). Council has resolved to request a Gateway determination but has not yet submitted it to the department, at the department's request.



Figure 13 Rowan Village proposed rezoning (source: Wagga Wagga City Council) (NB. Sunnyside site shown outlined in blue.)

## 4. Need for the planning proposal

The original planning proposal was for large lot residential development. In discussion with Council staff around why the proposal was amended and why Council identifies the need for a new ‘Southern Growth Area’ in advance of the Northern Growth Area, the reasoning appears to be:

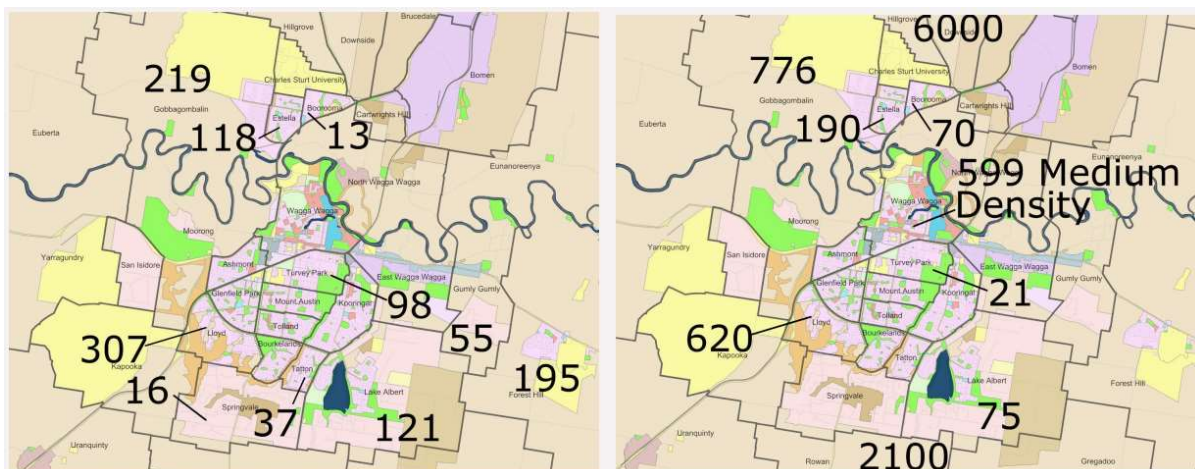
- there is a severe housing shortage in Wagga Wagga,
- expected delays in the delivery of housing in the Northern Growth Area, and
- the ability of the Southern Growth Area to provide short-term housing.

Council’s LSPS targets the Northern Growth Area as the “clear choice” and the “key area for urban expansion” of the city. The LSPS also indicates that the city has enough capacity in the existing urban release areas of Lloyd, Estella, Boorooma and Gobbagombalin to accommodate up to 2,600 additional dwellings (approx. 8 years supply). Growth, infill and urban renewal areas are also identified to significantly contribute to the City’s future housing supply.

The Addendum states the Northern Growth Area will not see land available for development for 5+ years and the proposed Southern Growth Area will provide housing supply in the ‘interim’. However, there is no assessment of why this timeframe for the Northern Growth Area is problematic or consideration of what could be done to shorten the timeframe if it is. The Addendum does not demonstrate the need for a new urban release area ahead of the strategically identified Northern Growth Area being developed.

Council provided additional information (letter 27/1/2023) and sought to justify the immediate need for rezoning additional residential land through the *Land Monitor Report 2021-22* prepared for Regional Development Australia Riverina NSW. The *Land Monitor Report 2021-22* does not justify the need to rezone more residential land. Instead, it reinforces Council’s LSPS analysis that there is sufficient zoned land to accommodate housing needs while the strategic planning for the Northern Growth Area is completed, noting much of it requires subdivision approval. The report highlights the lag between the number of residential lots created with a registered title (171) and the number of vacant lots with a dwelling commenced (300) in 2021-22 however this would not be resolved by rezoning more land. The report identifies the following for the city of Wagga Wagga:

- 171 lots were produced during 2021-2022 (down 53% from 2020-2021),
- approx. 300 lots were consumed (ie. dwelling construction commenced) during 2021-2022 (down 24% from 2020-2021),
- 551 lots remain vacant at 30 June 2022 (down 18% from 2020-2021), however 246 of the vacant lots have been vacant for four or more years,
- over 1,000 potential future residential lots in existing residential zoned areas are available for subdivision by the end of 2025 (see Figure 14(1)),
- another almost 2,000 potential lots are available in existing zoned areas beyond 2025 (excluding the Southern Growth Area and the Northern Growth Area, see Figure 14(2)).



**Figure 14 Potential future dwellings (1) before Dec 2025, and (2) beyond 2025** (source: RDA Riverina *Land Monitor Report 2021-22*)

This data suggests opportunities to explore blockages to development, such as interrogating why lots already produced remain vacant. In addition, Council has not provided explanation or analysis of other planning pathways or opportunities available to resolve impediments to the delivery of housing in the short term. These could include fast-tracking the development of the Northern Growth Area, increasing the density of existing rural residential development areas (eg. in land adjoining the existing low density residential areas) and promoting infill and medium density outcomes in other existing urban areas.

Council has also not demonstrated that the infrastructure and services investments and upgrades required to enable the Southern Growth Area to be developed could be achieved in the short term.

It is not disputed that more needs to be done to provide housing in Wagga Wagga, as is the case elsewhere in regional NSW. However, Wagga Wagga's housing needs are diverse, the levers to increase supply complex and need can be met in a variety of locations, some of which is already zoned. It is simplistic to assume rezoning rural land in an area not strategically identified for that purpose is the best solution to meet housing needs, without evidence to support that change in direction.

In April 2023, Council commenced a Housing Strategy which is an appropriate means of analysing needs and opportunities and providing evidence should it be determined that rezoning new areas of rural land for low density residential development is a preferred outcome. It would be premature to support this planning proposal in advance of that work.

Further discussion is provided in Section 5.3 about the strategic merit of the proposal and consistency with the regional plan and Council's local strategic planning framework.

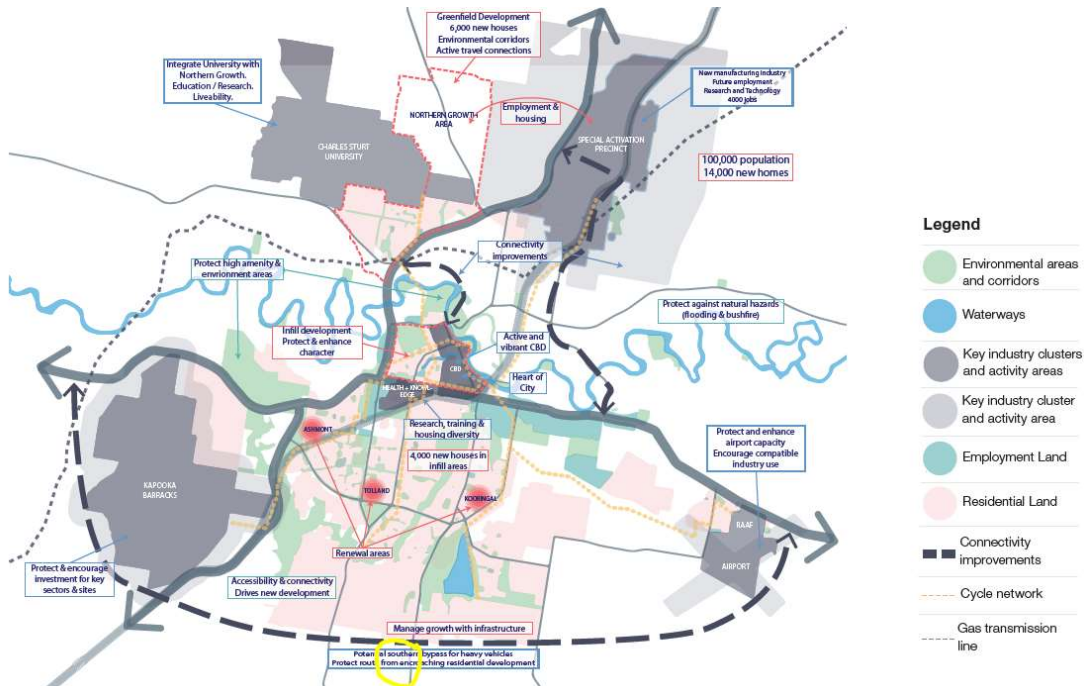
## 5. Assessment of the planning proposal

### 5.1 Strategic Merit

#### Local Strategic Planning Statement (LSPS)

The subject land is not identified for future urban growth in Council's LSPS. Council has not completed a local housing strategy or an alternative strategic process to identify the Southern Growth Area as a major urban expansion area for the city.

On 8 February 2021, Council endorsed the LSPS, which was developed with agency and community input during 2019-20. The subject land is shown on Figure 15, highlighted yellow. It is outside the area shown as "manage growth with infrastructure" noted on the map. The note relates to the intensification of the existing large lot residential areas to the south of the city (north of the subject land). In support of this position, the LSPS states that the southern fringe rural living area "*complicates service delivery, transport planning and future development patterns*". The LSPS commits Council to determining the remaining existing infrastructure capability at the southern fringe (within the existing R5 rural residential area) to identify its ultimate development potential and maximise efficient use of infrastructure (see Regional Housing Fund in Section 5.3) .



**Figure 15 Extract Wagga Wagga Local Strategic Planning Statement 2021 (p9)**

The LSPS identified one location for new greenfield development for the city - the Northern Growth Area. It identified the area for several reasons, including the cost of providing infrastructure, the logical extension of existing residential development, and its strategic location between two major employment generators (Charles Sturt University and the Special Activation Precinct).

The Northern Growth Area has been supported by State Government as an appropriate urban release area for the city to provide at least 6,000 dwellings and it was acknowledged in the *Riverina Murray Regional Plan 2041* and the *Wagga Wagga Transport Plan (2022)*. Agencies have been involved in developing a preliminary concept master plan for the Northern Growth Area, and some agencies such as Transport for NSW have made infrastructure commitments and investments to support the short-term development of that area.

It is noted that the original planning proposal included an analysis against the LSPS and incorrectly stated the “*subject land is identified ... as being within an area whereby growth is to be managed in line with the sustainable provision of infrastructure*”. It also included an incorrect map showing the subject land within the area identified pink in Figure 15. Whilst the Council Addendum did not specifically refute this, it recognised that future development of the Southern Growth Area would need to be assessed on its merits against Principle 7 of the LSPS for growth outside the Northern Growth Area.

Principle 7 of the LSPS provides an opportunity for growth in areas not identified in the LSPS to be considered based on a set of strategic principles, specifically service provision, connectivity, and accessibility. Council’s Addendum does not provide adequate justification or analysis to address these principles (infrastructure is further discussed in Section 5.3). It is also noted that the current proposal was being discussed with Council prior to LSPS finalisation and it is unclear why Council did not identify the subject land as an investigation area for future urban growth in the final LSPS.

It is acknowledged that circumstances change and inconsistency with an LSPS does not automatically rule out a planning proposal from proceeding. In this case however, the degree of inconsistency is of such significance that the benefits of LSPSs would be undermined were the planning proposal allowed to proceed. Council’s LSPS is to ‘*guide our Council planning and investment decisions whilst also providing our community with certainty on how the city will evolve and grow*’ (LSPS, p.3) however this proposal is contrary to that recently adopted guidance and creates uncertainty about the City’s evolution and growth.

Council has not provided sufficient information or justification to refute its own strategic planning that identifies there is sufficient capacity within the existing northern urban release areas (Estella,

Boorooma and Gobbagombalin) combined with other development areas, infill and urban renewal opportunities to provide a sufficient housing supply.

Council has not provided sufficient information or justification to demonstrate why leapfrogging the existing rural residential area on the city's southern fringe is an appropriate and cost-effective solution to providing further greenfield housing supply, particularly ahead of the strategically identified Northern Growth Area. It is also noted that the majority of the city's future jobs are expected to be provided in the northern part of the city.

While some agencies and statutory bodies that provide infrastructure and services to urban release areas in Wagga Wagga have been consulted about infrastructure for the proponent-prepared Sunnyside proposal, none have had an opportunity to provide advice on the Southern Growth Area as a whole and to understand its impact on future government strategies and investment for the city. These agencies and bodies include Riverina Water County Council, Transport for NSW, Department of Education, DPE Biodiversity & Conservation Division, Department of Primary Industries, TransGrid and Charles Sturt University.

In summary, the planning proposal has not demonstrated the strategic merit of providing new urban development in the Southern Growth Area, particularly in relation to the impact of the proposal on the Northern Growth Area.

## 5.2 High Environmental Value Land

A draft Biodiversity Development Assessment Report (BDAR) was prepared based on the original planning proposal outcomes shown in Figure 16. The BDAR identified the presence of plant community type *Blakely's Red Gum – Yellow Box Grassy Tall Woodland of the NSW South-Western Slopes bioregion* (PCT227). PCT227 is a critically endangered ecological community in NSW and listed as being at risk of Serious and Irreversible Impacts (SII).

Council has not amended the draft BDAR to reflect the proposed zone outcomes identified in Council's Addendum (see Figure 1) and has not examined whether the land uses permitted in a RE1 zone are compatible with protection outcomes for the site's HEV. Without an updated BDAR that reflects the final planning proposal outcomes, there are risks that may jeopardise the proposal, including determining SII. These issues could result in zone boundaries that need to change after the rezoning to ensure the proposal can meet its obligations under the *Biodiversity Conservation Act 2016*.

The department's Biodiversity and Conservation Division (BCD) has advised the planning proposal does not contain sufficient information to determine biodiversity impact of the proposal or the broader Southern Growth Area in accordance with Clause 7.1(3) of the *Biodiversity Conservation Regulation 2017* (the Regulations). This includes the assessment of all anticipated development and ancillary works, such as the potential clearing for road upgrades. This would include the Plumpton Road corridor on the eastern boundary of the subject land, which has not been assessed in the proposal's draft BDAR and would likely result in significant impact due to its high biodiversity values. To comply with the Regulations, BCD recommended that biodiversity assessment be



**Figure 16 Original Planning Proposal zone outcomes** (source: Planning Proposal)

undertaken at the precinct scale for the entire Southern Growth Area. It also raised concerns about the Council Addendum undermining the draft BDAR due to the changed zone boundaries.

### 5.3 Infrastructure provision

#### Feasibility

The feasibility of providing infrastructure and services to the proposal site and the wider Southern Growth Area has not been demonstrated.

The proponent's original planning proposal included a range of technical studies that considered infrastructure issues, including stormwater, sewer, water, electricity, and traffic. These studies primarily addressed infrastructure provision to the subject area, but some additional studies were undertaken at Council's request to consider infrastructure capacities across the wider Southern Growth Area.

Council's Addendum to the planning proposal substantially increases the permitted density of the site and changes the zone boundaries but does not include updated technical studies to reflect the potential impacts of these changes.

Council's Addendum does not adequately meet the requirements of the department's *Local Environmental Plan Making Guideline – September 2022* in relation to the assessment of infrastructure and service provision. It does not provide an assessment of infrastructure needs, the financial arrangements for its provision and consultation with relevant public authorities and agencies. It also lacks a strategy or staging plan for the proposal and across the proposed Southern Growth Area.

Council's additional information (letter 27/1/2023) provided access to a *Wagga Wagga Council Technical Memorandum* (dated 12/10/2022) and a *Southern Growth Area Contributions Framework* memorandum (dated 18/10/2022) that summarise the development contributions required for development of the Southern Growth Area. These memos support the Council Addendum that states the site is capable of being connected with infrastructure and services, and notes substantial upgrades will be required to water, sewer and road infrastructure.

Council has not identified the lead times that could result from the need to provide major infrastructure upgrades to the precinct, indicated whether a planning agreement with the proponent would be required (as required in the department's *Planning Agreements Practice Note – February 2021*), indicated how it intends to finance or provide for the shortfall, nor has it specified the potential shortfall.

Council has calculated developer contribution rates and a high-level list of upgrades required for the precinct but has not identified the State infrastructure requirements for the proposal or the wider precinct. In its report to Council of 7 November 2022, a funding shortfall of \$42.5 million for roads, shared paths, open space and community assets over the whole Southern Growth Area was identified, however the source of funding this shortfall has not been identified. The feasibility of providing infrastructure and services to the proposal and the wider Southern Growth Area has not been demonstrated.

The report to Council of 11 October 2021 stated that addendums to existing citywide infrastructure plans would be prepared prior to the Gateway determination and exhibited alongside the planning proposal. It is unclear if these have been prepared, as they were not submitted with the planning proposal in November 2022.

#### Water Supply

Water supply to Wagga Wagga City is provided by Riverina Water County Council. In March 2023, Riverina Water advised the department it has not been consulted by Council on providing water to the Southern Growth Area precinct. It also advised the proposal is inconsistent with its current Integrated Water Cycle Management 30-year Strategy (2021) that focuses new infrastructure on servicing growth to the north of the city.

Riverina Water is yet to determine the ability and feasibility of providing an adequate water supply to the precinct but indicated that significant upgrades to water infrastructure, such as new reservoirs, would be required. The feasibility of providing this infrastructure for the precinct has not been determined.

## Traffic Implications

The traffic impacts generated from the precinct are unclear, as are the impacts of the interconnectivity and traffic flows between the Rowan Village and Sunnyside proposals. The original planning proposal's *Precinct Traffic Considerations Report* does not:

- consider precinct-wide traffic generation and impacts in detail,
- consider the cumulative and network wide impacts (particularly of both proposals)
- rely on valid assumptions.

In March 2023, Transport for NSW (TfNSW) advised the department that the proposal's traffic assessment does not address the resultant traffic generation from the Sunnyside and Rowan Village proposals at the Sturt Highway intersections. It also does not adequately address the proposal's impact on the potential future southern bypass of the central business district of Wagga Wagga or whether the proposal may be in conflict with a future bypass.

TfNSW also advised the department that due to the distance of the precinct from the city centre and other major employment areas, active transport will be an unlikely option for much of the precinct's population. It also raised concerns at the proposal's lack of consideration of public transport issues and options.

## Sewerage

Conflicting information on sewerage was submitted with the planning proposal. The original planning proposal for 490 dwellings identified it would absorb all the capacity in the Koorngal treatment plant and pumping station. A subsequent list from Council identifies \$25.5 million worth of sewer assets to support the Southern Growth Area. Council proposes a sewer contribution rate for the urban release area but it is not clear whether receipt of these funds would match the rollout of infrastructure and whether the proposal can be serviced at no cost to government or the broader community.

## Regional Housing Fund

Council received \$700,000 from the Regional Housing Fund for a sewer augmentation project in the Southern Growth area. Council has not met its commitments to allow the balance of funding to be released.

Information provided by Council indicates the sewer augmentation will support 5,000 dwellings: 2,000 dwellings infill in existing large lot residential area and 3,000 dwellings in a future urban release area. While refusal of this Gateway would mean up to 3000 urban release area dwellings proposed by Council in its RHF application would not be enabled, given the location of the proposed infrastructure, benefit can still be obtained in the large lot residential area (circa 2000 dwellings in Council's estimation). (Figure 17).





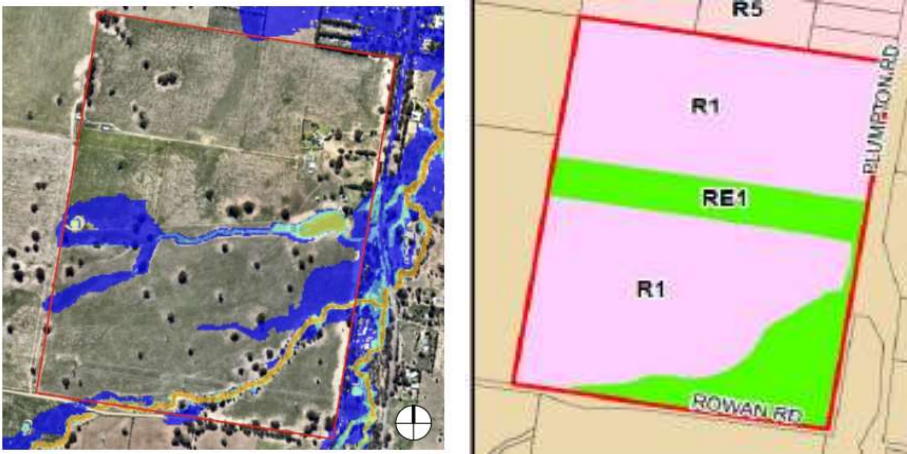
Figure 17 Regional Housing Fund project

## 5.4 Social, economic and other environmental impacts

### Natural hazards

The south-eastern portion of the site is subject to overland flow flooding in the 1:100 Annual Exceedance Probability event from the Stringybark Creek (see Figure 18). Council's *Wagga Wagga Major Overland Flow Floodplain Risk Management Plan 2011* (MOF Plan) indicates that the flow is generally confined to the channel of the Stringybark Creek and the unnamed watercourse on the site during the design event.

The original planning proposal identified flood-affected land would be zoned to a non-urban use (RE1 Public Recreation). However, the Council Addendum does not reflect that outcome (see Figure 18) and it does not provide detailed analysis or adequately address the potential flood impacts on the subject land.



**Figure 18 Overland flow; and Council addendum proposed zoning**  
(source: Planning Proposal, Urban Design Report and Addendum)

The MOF Plan highlights the need to not exacerbate flood risk in the wider floodplain, particularly downstream, and to restrict development to flood free or low flood hazard lands. In March 2023, BCD advised the department that increasing impervious areas (through residential development) in the Stringybark Creek catchment could result in an increase in downstream runoff, an urban area already sensitive to increases in flood peak flows. Council is already investigating flood mitigation options to address the current level of development.

BCD has advised the most appropriate way to understand the cumulative flood risk of all proposals within the precinct is for Council to undertake a single investigation to determine potential changes to surface hydrology associated with the proposed developments.

The planning proposal does not investigate the potential for salinity on the site. This is a known issue in other parts of the city, including the Lloyd urban release area, approximately 3 kilometres to the north, north-west of the Southern Growth Area precinct.

The land is mapped as bushfire prone however a Bushfire Hazard Assessment has not been provided with the planning proposal.

## Community facilities and commercial space

The planning proposal does not clearly identify and address the potential community services, commercial space and other infrastructure (such as open space and schools) required to service the proposal or the precinct.

As an example, the Sunnyside planning proposal does not adequately assess the need for school infrastructure. It does not interrogate whether schools in other parts of the City have the capacity to cater for population increases from the Sunnyside site or the broader Southern Growth Area.

## 5.5 Regional Plans

The Council Addendum and the planning proposal include an assessment of the proposal against the *Riverina Murray Regional Plan 2036* but do not provide an adequate assessment against the (then) draft *Riverina Murray Regional Plan 2041* (since finalised).

Both the *Riverina Murray Regional Plan 2036* and the *Riverina Murray Regional Plan 2041* note the significance of regional cities in providing the majority of housing for the region. Both regional plans require councils to prepare local housing strategies to identify housing needs and plan for a range of housing types. They also require increased housing choice in regional cities and locations close to existing services and jobs and both expect infrastructure to align with land release.

Table 1 provides a summary assessment of the proposal in relation to the *Riverina Murray Regional Plan 2041*. Other parts of Section 5 of this report address these issues in detail.

**Table 1 Summary Regional Plan assessment**

Regional Plan	Justification
Objective 1: Protect, connect and enhance biodiversity throughout the region Strategy 1.1	The proposal is inconsistent with Strategy 1.1 of the regional plan that requires planning proposals to “ <i>protect high environmental value land through conservation zones and conservation agreements</i> ”. The regional plan also requires land uses adjacent to HEV land, and land with regional or locally significant corridors, to be compatible with conservation outcomes or have adequate buffers.
Objective 3: Increase natural hazard resilience Strategy 3.1	The proposal has not demonstrated consistency with Strategy 3.1 particularly given the design outcomes (including proposed zoning) are confusing and could have potential impacts on overland flow flooding on the site.
Objective 5: Ensure housing supply, diversity, affordability and resilience Strategy 5.3	The proposal is inconsistent with parts of Strategy 5.3 as the planning proposal has not provided sufficient analysis or information to demonstrate that: <ul style="list-style-type: none"> <li>- constraints and hazards will be avoided</li> <li>- high environmental value will be avoided/protected</li> <li>- integration with existing urban areas has been achieved</li> <li>- land use and transport planning, including outcomes that support public and active transport opportunities, have been adequately considered</li> <li>- existing or new services and infrastructure will be provided as an area is developed</li> <li>- development will accord with staging and release plans.</li> </ul>
Objective 6: Support housing in regional cities and their sub-regions Strategy 6.1	The proposal is inconsistent with parts of Strategy 6.1 as the planning proposal does not: <ul style="list-style-type: none"> <li>- provide coordinated, appropriate urban growth and development through structure and master planning, particularly in new urban release areas</li> <li>- increase infill and residential densities within or close to the CBD, in consultation with relevant government infrastructure and service providers (such as schools and transport), where appropriate</li> <li>- where strategically justified, transition rural residential development to a standard residential product</li> <li>- set targets, timeframes and staging for servicing urban land; identify infrastructure requirements and priorities; align infrastructure plans; and audit residentially zoned land to identify development barriers</li> <li>- review the supply of zoned and strategy-identified land to understand constraints, priorities and development pathways.</li> </ul>
Objective 9: Plan for resilient places that respect local character Strategy 9.5	The proposal is likely consistent with Strategy 9.5 as the planning proposal does provide new public spaces that potentially align with the 10 principles for quality public space of the <i>NSW Public Spaces Charter</i> . This would need to be reviewed once the discrepancies between the Council Addendum and the original planning proposal outcomes have been resolved and/or assessed.
Objective 11: Plan for integrated and resilient utility infrastructure Strategy 11.1	The proposal is inconsistent with the following parts of Strategy 11.1 as the planning proposal has not included information demonstrating that it has: <ul style="list-style-type: none"> <li>- focused development around existing infrastructure and/or promoted the co-location of new infrastructure, where appropriate</li> <li>- undertaken infrastructure service planning and cost-benefit analysis for land identified for development, to establish whether the land can be efficiently and feasibly serviced</li> <li>- understood and identified necessary infrastructure upgrades to accommodate additional growth in the immediate to short-term</li> <li>- included staging plans that meet the criteria in Strategy 11.1.</li> <li>- provided information to assist public and private providers in aligning infrastructure and service provision with strategically identified growth.</li> </ul>

## 5.6 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Ministerial directions is discussed in Table 2.

Table 2 Summary Ministerial Directions assessment

Regional Plan	Justification
Direction 3.1 Conservation Zones	There is High Environmental Value (HEV) biodiversity on the subject land (see Section 5.2 of this report). Given the inconsistency between the original planning proposal and the Council Addendum, it is unclear whether the proposed provisions appropriately facilitate the protection and conservation of environmentally sensitive areas. Therefore, the planning proposal's consistency with direction 3.1 remains unresolved.
Direction 3.2 Heritage Conservation	<p>The Preliminary Assessment Report of 2020 identified there was no non-Aboriginal heritage on the site. The report included an Aboriginal heritage assessment (conducted by NGH Consulting) that concluded <i>that large portions of the project area have moderate to high potential to contain Aboriginal objects on the ground surface and in subsurface deposits associated with an ephemeral drainage line and Stringybark Creek where fewer previous disturbances are present. As such, further assessment, in the form of an Aboriginal Cultural Heritage Assessment (ACHA) report and potential archaeological test excavations, are considered the most suitable approach.</i></p> <p>To enable consistency with the Ministerial Direction, Council should liaise directly with Heritage NSW to determine if an ACHA is required. The planning proposal consistency with direction 3.2 remains unresolved.</p>
Direction 4.1 Flooding	As identified in Section 5.4 of this report, the Council Addendum does not provide detailed analysis or adequately address the potential flood impacts on the subject land. The planning proposal consistency with direction 4.1 remains unresolved.
Direction 4.3 Planning for Bushfire Protection	Given the bushfire prone land classification on the site, the proposal is inconsistent with direction 4.3 and requires consultation with the Commissioner of the Rural Fire Service for the inconsistency to be resolved.
Direction 5.1 Integrating Land Use and Transport	The proposal is inconsistent with the following principles of Direction 5.1: concentrate in centres, link public transport with land use strategies, improve pedestrian access, improve cycle access, improve road management.
Direction 5.2 Reserving Public Land for Public Purposes	Direction 5.2 requires the Planning Secretary to approve of the creation of zonings or reservations of land for public purposes. As the proposal includes the rezoning of land to RE1 Public Recreation Zone, the proposal is inconsistent with Direction 5.2 until the Secretary has agreed to this outcome.
Direction 8.1 Mining, Petroleum Production and Extractive Industries	The proposal is inconsistent with Direction 8.1 as it will result in the prohibition of mining and extractive industries and the planning authority has not consulted with the Secretary of Department of Primary Industries [Department of Regional NSW].
Direction 9.1 Primary Production	The proposal is inconsistent with Direction 9.1 as a planning proposal must not rezone land from a rural zone to an urban zone. The justification in Council's Addendum has relied on " <i>Whilst the planning proposal is inconsistent, the land is low agricultural grade</i> ". This does not meet the requirements of the direction. The inconsistency is not considered of minor significance given it will result in the loss of 110 ha of primary production land.
Direction 9.2 Rural Lands	The proposal is inconsistent with Direction 9.2. The justification for the inconsistency is not adequately justified in the Council Addendum. The inconsistency is not considered of minor significance given it will result in the loss of 110 ha of primary production land.

## 6. Consultation

### 6.1 Community

Community consultation on the Southern Growth Area has not been undertaken. It is noted that in late 2020, the community was widely consulted on the LSPS that identified future urban growth would be accommodated in the Northern Growth Area.

The recommendation is that the planning proposal should not proceed.

### 6.2 Agencies

Some agencies were consulted during the preparation of the original planning proposal, but, at the time of writing, Council has not undertaken any agency consultation in relation to the strategic planning of the Southern Growth Area, nor the Council Addendum changes to the planning proposal. It is also noted that a wide range of agencies were consulted on the LSPS that identified future urban growth would be accommodated in the Northern Growth Area.

The Council Addendum does not specifically identify agencies that would be consulted for this proposal.

As the department was unable to finalise the Gateway determination during the State government caretaker period, it sought initial advice from key authorities and government agencies on the Sunnyside proposal within the Southern Growth Area precinct. The agencies consulted were Riverina Water County Council, Transport for NSW, DPE Biodiversity Conservation Division, Department of Primary Industries, Department of Education and Crown Lands. Their responses are provided with the Gateway package with concerns raised including the proposal's lack of strategic merit, agency investment and future planning for growth in the north of the city, a lack of coordination across the Southern Growth Area precinct, and several site-specific issues.

## 7. Timeframe

The recommendation is that the planning proposal should not proceed.

## 8. Local plan-making authority

The recommendation is that the planning proposal should not proceed.

## 9. Recommendation

In accordance with Section 3.34(2)(a) of the *Environmental Planning and Assessment Act 1979*, it is recommended the delegate of the Minister determine that the planning proposal should not proceed for the following reasons:

1. the planning proposal has not demonstrated strategic merit, including:
  - a. inconsistency with Council's Local Strategic Planning Statement and it is not responding to a change in circumstances not recognised in the LSPS,
  - b. the relationship of the proposal with the development of the Northern Growth Area, including justification for an additional urban release area in advance of the Northern Growth Area,
  - c. feasibility of providing infrastructure and services,
  - d. identification of staging of development and infrastructure upgrades (including how and when they will occur and who is responsible to fund and construct) in the Southern Growth Area and in the context of providing services to multiple development fronts across the city.
2. the planning proposal is presented in two disjointed parts and does not clearly explain the proposed zone boundaries, the structure plan/master plan inconsistencies, and the status of

the Council-prepared structure plan, including whether it has been subject to community and agency consultation.

3. the planning proposal does not provide an adequate assessment of the following site-specific matters:
  - a. the potential flood impacts on the site and the proposed design response, including consistency with Ministerial Direction 4.1.
  - b. whether salinity and bushfire are likely to be an issue in the precinct.
  - c. whether an Aboriginal Cultural Heritage Assessment is required to supplement the proposal, including consistency with Ministerial Direction 3.2.
  - d. a final Biodiversity Development Assessment Report that reflects the final design of the proposal (including zone outcomes) and has considered the wider Southern Growth Area precinct outcomes.
  - e. an assessment against the *Riverina Murray Regional Plan 2041*.
  - f. justification for the inconsistencies with Ministerial Directions 5.1, 5.2, 8.1, 9.1 and 9.2.



09/05/2023

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20/4/2023

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## Appendix A – Reports and plans relevant to the assessment report

### Relevant reports and plans

Council-amended planning proposal – *Planning Proposal Amendment to the Wagga Wagga Local Environmental Plan 2010 – LEP21/0001 – 46 & 474 Plumpton Road, Rowan* (18 December 2022)

Original planning proposal – *Planning Proposal – Sunnyside Ventures, Lots 23 & 25 DP757246, ‘Sunny Side’ Plumpton Road, Rowan NSW* (01.03.2021) prepared by PLANNED

Wagga Wagga City Council letter to DPE - concerns raised by DPE in Dec 2022 (dated 27/01/2023)

*Wagga Wagga Spatial Plan 2013-2043* (2013)

Wagga Wagga City Council – *Agenda of Ordinary Meeting of Council – Monday 8 February 2021*

*Preliminary Assessment Report for Intended Planning Proposal – 456-474 Plumpton Road, Rowan* (October 2020) prepared by NGH Consulting.

Initial Council assessment of Planning Proposal LEP21.0001 – Sunnyside (draft May, final June 2021) prepared by Urbis

Wagga Wagga City Council – *Agenda of Ordinary Meeting of Council – Monday 11 October 2021*

*Biodiversity Development Assessment Report – Draft 03 – February 2022, prepared for Sunnyside Ventures Pty Ltd*, prepared by capitalecology.

*Technical Memorandum – Southern Growth Area DSP Amendment* (12/10/2022) prepared by Cardno (now Stantec)

*Rowan Village Planning Proposal Report – 20 April 2022, 7066 Holbrook Road, South Wagga Wagga*, prepared by DevCore Property Group and Urbis.

Wagga Wagga City Council – *Agenda of Ordinary Meeting of Council – Monday 22 August 2022*

*Revised Structure Plan LEP21.0006* (November 2022) prepared by Urbis on behalf of Council

Wagga Wagga City Council – *Agenda of Ordinary Meeting of Council – Monday 7 November 2022*

Wagga Wagga City Council – *Draft Development Control Plan – Part E Section 17 – Southern Growth Area* (2022)

*Wagga Wagga Local Strategic Planning Statement – Planning for the future: Wagga Wagga 2040* (2021)

*Land Monitor Report 2021-22* (2022) prepared by Regional Development Australia Riverina NSW

*Riverina Murray Regional Plan 2036* (2017) prepared by the Department of Planning and Environment

*Riverina Murray Regional Plan 2041* (2023) prepared by the Department of Planning and Environment

*Southern Growth Area Contributions memo* (18/10/2022) prepared by Wagga Wagga City Council's Contributions Coordinator

*Wagga Wagga Overland Flow Floodplain Risk Management Plan* (2011) prepared by WMA Water

DPE Biodiversity Conservation Division – *Email advice to DPE dated 23 March 2023.*

Riverina Water County Council – *Email advice to DPE dated 22 March 2023.*

Transport for NSW – *Email advice to DPE dated 24 March 2023*