

Report of Development Application Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Application No:	DA19/0537
Council File No:	D/2019/0537
Date of Lodgement:	11/10/2019
Applicant:	Gurwood Pty Ltd Po Box 866 WAGGA WAGGA NSW 2650
Proposal:	Concept Development Application
Description of Modification:	N/A

Other Approvals: Part 4.4 of the Environmental Planning and Assessment Act 1979 enables applicants to lodge concept development applications.

The intent of the concept development application is to provide an overarching development scenario for a subject site. This provides a clear indication of the future development outcome for a site and may include parameters to guide future urban development on that site. The concept development application as submitted in this instance is not proposing any works. It provides a masterplan supported by urban design principles for future development to be assessed against.

Any works on the site will be subject to a separate development application that must adhere to the parameters set out in this concept development application. This includes any subdivision, landscaping or terraforming works, construction of dwellings or installation of services.

Determination Body & Reason: Section 1.11 of the Wagga Wagga DCP requires that, where an application involves the variation of one or more controls within the DCP, Council staff have delegation to approve variations but limited to the

following circumstances;

- Where adequate justification is provided by the applicant for the number of controls being varied and,
- Any development, other than development that is for multi dwelling housing, where a variation to any numerical control by greater than 10% is proposed, and
- Where no objections have been received in relation to any numerical control that is being varied by greater than 10%, and
- Where the number of submissions in the form of objections received in response to an advertised or notified development application, is less than 10.

This application is presented to Council for determination because the application is proposing a set of new development controls under a concept development application. The proposed controls will replace a number of DCP controls as they apply to the subject land. As such it is deemed appropriate for Council to consider the variations from the DCP provisions. The application was the subject of public consultation for a duration of 28 days during November and December 2019. Only one submission resulted from public consultation.

Assessment Officer:

Adam Wood

SITE DETAILS

Subject Land:

231 Gurwood St
WAGGA WAGGA NSW 2650

Lot 11 DP 20812, Lot 1 DP 726729, Lot 328 DP 823293,
Part Lot 12 DP 20812

Owner:

Gurwood Pty Ltd

REPORT

Type of Application:

Concept Development Application

Concurrence Required:

No

Referrals:

Standard Internal Referrals External Referral to
Riverina Water County Council and Essential Energy

Adjoining Owners Notification:

Yes - 28 days, 25/11/2019 to 23/12/2019

Advertising:

Yes - 28 days, 25/11/2019 to 23/12/2019

Owner's Consent Provided: Yes
Location: 231 Gurwood Street, Wagga Wagga (former Eric
Weissel Oval)

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Instrument:	Planning	Wagga Wagga Local Environmental Plan 2010
Zoning:		R3 Medium Density Residential
Land Use Definition:		Future land uses subject to additional development consent will align with the following land use definitions: Attached dwelling Semi-detached dwelling Dwelling house Secondary dwelling Residential flat building Roads
Statement of Permissibility:		Permissible with consent

Site, location and surrounding development

The development application is for Lot 1 DP 726729, Lot 328 DP 823293, Lot 11 and 12 DP 20812, located at 231 Gurwood Street, Wagga Wagga (the location of the former Eric Weissel Oval).

The land is approximately 3.5 hectares in area with negligible gradient present. The subject land is not encumbered by any easements or covenants. The site is currently vacant. Previously structures including a clubhouse and grandstand have been removed. Only remnant hardstand surfaces and retaining walls remain in place.

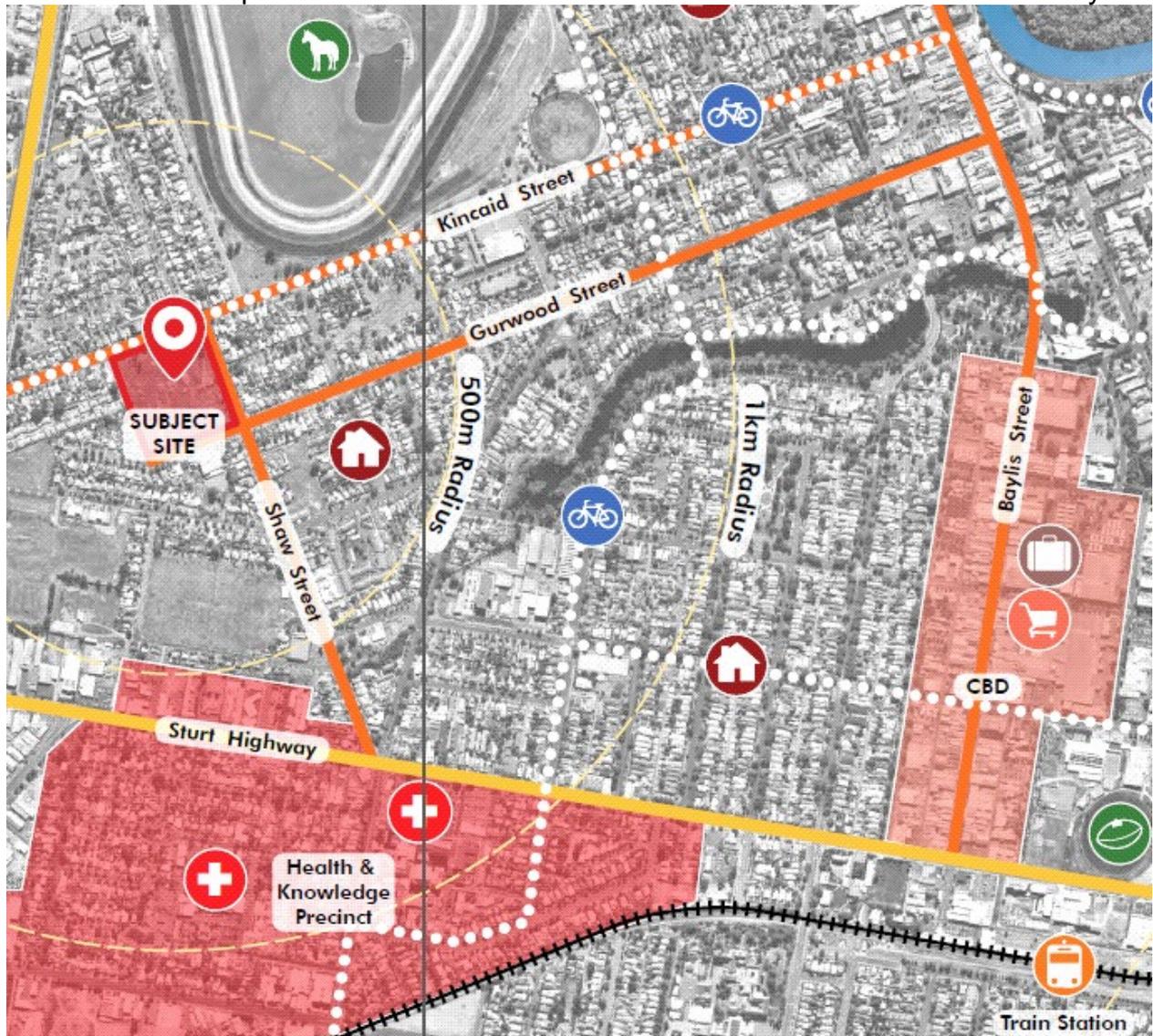
The current state of the site is undesirable and does not make a contribution to the quality of the surrounding urban environment. The site is significantly alienated with no development having taken place in several years.

The site is approximately 1.8km west of the Wagga Wagga Central Business District and is bounded by Kincaid Street to the north, Shaw Street to the east, Gurwood Street to the south and Thomas Street to the west.

The site is located close by to other key locations including the Wagga Wagga Health and Knowledge Precinct and the Morgan Street business area. In addition, it is directly south-west of the Murrumbidgee Turf Club and within walking distance of a number of recreational and entertainment venues including the Wagga Wagga RSL club.

The site is also located directly adjacent the Wagga Wagga Active Travel Pathway

network which provides ease of access to other locations in the city.



Local Character Analysis

The site is surrounded by a pre-existing residential area.



- The surrounding area is a low density residential area consisting of 1 and 2 storey dwellings. The housing is drawn from a mix of differing architectural styles and varies significantly by age.
- There are terrace houses similar in form to those which provide the bulk of the

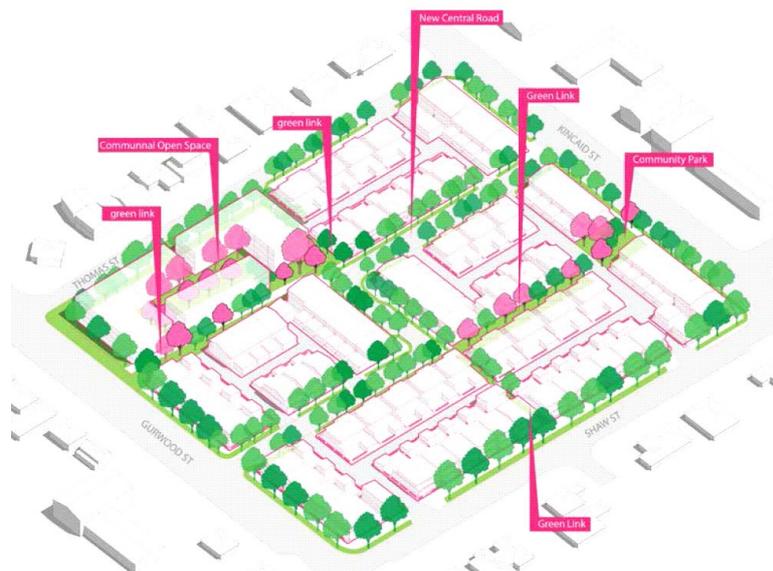
proposed development already existing directly opposite the site on Kincaid Street.

- Even though the area is not a Heritage Conservation Area, there are some stylistic features throughout the locality which are significant to neighbourhood character and should be respected in future design.
- There are some multi-unit developments and dual occupancies and medium density townhouses interspersed throughout the neighbourhood.
- Kincaid Street and Gurwood Street are two collector roads but retain a low rise residential built form.
- Road verges are defined by existing large mature trees.

In response to this character context the following aspects of the proposed development are noted:

- The majority of this development will be completed as two to three storey terrace house and townhouse structures that will be compatible with existing residential character and meet R3 zone objectives.
- The apartment building site to the south-western corner of the site will be a new feature to the neighbourhood and will be subject to merit-based assessment to ensure that its final design provides appropriate transition from surrounding urban form and minimises impacts.
- The south-western corner is the appropriate location for the apartment site as this directs impacts such as shadowing principally onto the adjoining roadways rather than to adjoining residential development.
- The development concept is designed to outwardly project attractive features including facades, landscaping and street trees with service features and accesses recessed to low profile locations.
- The final detailed design of residences on the site is likely to be modern but may feature design cues from the surrounding area.
- Exhibition of the current and the previous development concepts for the site have not resulted in substantial or widespread community objection.

The urban design report provides a visual representation of the desired built form for the site.



This design response is compatible with the existing residential character of the area but sufficiently different to satisfy the requirements of the different zone applying to the site. It represents a suitable step-change in development in the area in order to satisfy the strategic imperatives of the city.

Land Zoning and Previous Development Approvals

The site is zoned R3 Medium Density Residential Zone under the *Wagga Wagga Local Environmental Plan 2010 (LEP 2010)*. The objectives of the zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.*

The R3 Medium Density Residential zone permits the development of land uses proposed by this concept development application. The zone is promoting a higher density of residential development and the concept development application supports this outcome by providing opportunities for a variety of residential land uses in an integrated and efficient fashion. The master planned design proposed for the site will contribute to high level of visual quality in the presentation of local streets and spaces.

DA14/0558 was previously granted consent on the site. DA14/0558 was a development application for a Staged Development pursuant to pursuant to then-Section 83B of the *Environmental Planning and Assessment Act 1979*. This included

concept approval for subdivision providing 140 dwelling lots, access roads, open space provision and approval for the first stage of that concept comprising 10 medium density dwellings. Consent for DA14/0558 lapsed on 31 October 2019.

Strategic Vision and Opportunities

Council is currently in the process of reviewing and developing new land use strategies for the city. One of the key documents that is currently being developed is the Wagga Wagga Local Strategic Planning Statement (LSPS). This document considers the communities aspirations and provides a blueprint for how and where we want Wagga Wagga to grow into the future.

Wagga Wagga's population is expected to grow to approximately 100000 people over the next 20 years. Whilst most of the housing will be provided for within urban release areas, infill development, through redevelopment and intensification as proposed, will also play a vital role in utilising existing services to accommodate the growth population of the city. The proposal will optimise the use of land that is currently serviced by public infrastructure and accessible to existing local community facilities.

The site is a key opportunity site within proximity to other key locations including the Wagga Wagga CBD, Health and Knowledge Precinct and the Morgan Street business area. It is ideally zoned and located to support additional residential opportunities to address the housing demand and anticipated population growth of the city.

To convert this opportunity to the greatest benefit for the city, the site ideally should be developed by a master planned approach to ensure that the density achieves strategic goals for the city whilst retaining the amenity and presentation of the neighbourhood

The site can be leveraged to provide openings for housing types and designs which are currently underrepresented in the Wagga Wagga housing offering, expanding the appeal and suitability of the city to current and prospective new residents.

Future development of the site should allow for efficient use of scarce inner urban lands, supporting residential living opportunities near employment, services and amenities. The subject site is exceptional in providing the opportunity for an integrated solution across a full city block.

Proposed Concept and Integrated Design

The proposal is a concept development application, involving a master plan approach to develop a medium density residential neighbourhood. It will provide a diverse range of housing typologies, accommodating a projected yield of approximately 160 dwellings in total.

A master plan has been submitted with the application that provides a layout of roads, landscaping, infrastructure and developable areas for residential lots. This includes the development of a central public road through the site, supported by laneways

providing vehicle access to the rear of properties. This access layout is an adaptation of the grid layout of streets existing in the residential area surrounding the site. These are complemented by green corridors acting as pedestrian streets. Dwelling frontages are deliberately oriented to these green space corridors enhancing presentation and passive surveillance in the area. The green spaces connect the neighbourhood to the surrounding streets and separate most vehicle and pedestrian movements. The development is designed to outwardly present attractive features including residential facades and street trees rather than garages and hardstand parking areas. The development reconciles high quality residential design with efficient use of space to complement the surrounding neighbourhood. This design approach is innovative and provides a superior urban outcome than can be achieved under current DCP provisions. This integrated design approach achieves greater housing diversity than would be possible under current DCP provisions.

Separate to the urban design report, the application also provides a staging plan detailing the sequence by which areas shall be developed and the corresponding infrastructure to be provided at each stage. It is recommended by this assessment that the staging plan is incorporated into the urban design report.

Site Specific Controls

To support the aforementioned integrated design, the urban design report provides a set of bespoke provisions to guide future development of residential land uses on the development site. Future development on the site for these purposes will require separate development consent and will be assessed against the controls provided in the urban design report. These controls will substitute for a number of provisions in the DCP.

This will result in the following sections of the DCP being given alternative consideration during future development assessments:

Section 1.10 - Notification of a Development Application

Section 1.11 - Complying with the Wagga Wagga Development Control Plan 2010

Section 2.1 - Vehicle access and movements

Section 2.2 - Off-street parking

Section 2.7 - Development adjoining open space

Section 7.2.3 - Solar access, energy efficiency and size and shape of lots

Section 9.2.1 - Site layout

Section 9.2.2 - Streetscape

Section 9.2.3 - Corner lots and secondary facades

Section 9.3.1 - Site area per dwelling

Section 9.3.2 - Site cover

Section 9.3.3 - R3 Zones - Minimum frontage

Section 9.3.4 - Solar access

Section 9.3.5 - Private open space

Section 9.3.6 - Front setbacks

Section 9.3.7 - Side and rear setbacks

Section 9.4.1 - Building elements

Section 9.4.3 - Privacy

Section 9.4.4 - Garages, carports, sheds and driveways

Proposed Housing Types

The concept development application is proposing a residential development for the site that consists of a range of housing types. These typologies include a range of categories including separate dwelling houses, semi-detached townhouses and terrace housing. A portion of the site is reserved for the development of apartments. This land parcel could also potentially be used for seniors living housing, but this would be subject to separate development assessment which would need to adequately address flood risk.

This style of residential development is both compatible with and complementary to existing residential development in the surrounds. It will enable a higher concentration of dwellings on the site and expand the range of housing opportunities for the city's growing population.

Overall Suitability of Development Concept

Taking into account the zoning of the site, its setting and proximity to other key areas and linkages in the city, the site is ideal for redevelopment which capitalises upon its unique setting and location. The development of this site as proposed will contribute to a diverse housing mix available within the city.

Detailed Assessment

The Environmental Planning and Assessment Act 1979 requires all development application including concept development application to receive detailed assessment against matters pursuant to Section 4.15(1) of that Act. This assessment is provided on the following pages.

Section 4.15(a)(i) - The provisions of any environmental planning instrument (EPI)

Wagga Wagga Local Environmental Plan 2010

Under the provisions of the Wagga Wagga Local Environmental Plan 2010, the subject site is within the R3 Medium Density Residential zone. The concept development application proposes a vision for the site consistent with the objectives of the R3 Medium Density Residential zone.

The description of the land uses proposed by the urban design report are described differently to the land uses definitions of the LEP. All housing typologies align with land use definitions that are permissible in the R3 zone.

The table below provides a list of proposed housing typologies and their alignment with LEP land use definitions.

Other provisions of the LEP that apply to the application are relevant to flood planning and ground water vulnerability.

As regards flood planning provisions, the subject site is located in central Wagga Wagga and will be protected by the Wagga Wagga CBD Levee designed to withstand a 1 in 100 year flood event. The levee is currently under construction.

Future development applications will be required to comply with the flood controls of the DCP. This may include a condition of consent that requires floor levels of all habitable structures be raised to achieve compatibility with the flood hazard. Conditions of consent will enforce the need for buildings to be designed and certified in accordance with flood and engineering controls.

The concept proposal is compatible with the existing hazard and there is no anticipated risk to life or property associated with the development. The assessment of this application has shown that the development meets the relevant objectives and considerations of this clause.

State Environmental Planning Policies

The *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development* requires that new buildings that are 3 or more storeys high and contain 4 or more dwellings must be assessed under the Apartment Design Guide. The concept development application proposes such residential flat buildings be developed at the south-western corner of the subject site. These buildings would be subject to assessment against the Guide.

The *State Environmental Planning Policy No. 55 - Remediation of Land* requires consideration of the contamination and remediation of land in determination of development applications. The site has formerly been used as recreational playing fields with an associated club. The site is not identified as being potentially contaminated in Council's records and there is no evidence to suggest that the site requires any form of remediation prior to re-development. The site is already zoned for residential purposes being located in the R3 Medium Density Zone and a development consent for residential development has been issued for the site previously in 2014 under DA 14/0558 that considered potential contamination of the site and concluded that the site unlikely to be contaminated. This assessment

maintains this conclusion.

A geotechnical investigation and pavement design for the site has been carried out on the site to assess the type and condition of the underlying soil material and make recommendation for the proposed development.

An electromagnetic survey has been carried out across the site which detects the levels of conductivity in the soil. Variations in the soil have implications for future development and the levels of conductivity are a useful tool for determining development and management plans for the site. The findings identify uniform readings across the majority the site, the main variables being in areas characterised by hardstand and concrete. The soil profile across the site is generally consistent with minimal signs of disturbance from previous land uses.

Whilst not a Preliminary Site Investigation (PSI) Council generally assessed the above-mentioned geotechnical investigation and electromagnetic survey against the same provisions as if a PSI was lodged. The site history, research and enquiries are considered adequate for the desktop assessment for the purpose of the proposed development. The desktop assessment conducted showed no apparent or historical evidence of potentially contaminating activities by reference to SEPP55 being conducted on site or in immediately neighbouring areas at the time of reporting.

Noting that the previous club building on the site has been demolished, it is considered appropriate that an asbestos clearance certificate, by a suitably qualified person be provided to Council prior to the lodgement on any future development applications on this site. A condition of consent will be imposed to this effect.

Having regard to the above, Council can be satisfied that the land is suitable for the purpose for which the development is proposed to be carried out.

Section 4.15(1)(a)(iii) - The provisions of any development control plan

Wagga Wagga Development Control Plan 2010

The urban design report provides a set of bespoke provisions to guide future development of residential land uses on the development site. Future development on the site for these purposes will require separate development consent and will be assessed against the controls provided in the urban design report. These controls will substitute for a number of provisions in the DCP.

Some sections of the DCP are still in force for the assessment of development on the site. The following table provides discussion of applicable sections of the DCP and their application or variation for the assessment of future development within approved stages.

<p>1.10 Notification</p> <p>The DCP requires the advertisement and notification of development applications for various types of residential</p>	<p>The concept development application has been the subject of public consultation. With the exception of the site identified as 'apartment site or residential age care', future development applications on the site</p>
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<p>development proposed by the concept development application.</p>	<p>that are consistent with the provisions of the approved site controls shall not be subject to public consultation as per section 1.10 of the Wagga Wagga Development Control Plan 2010.</p>
<p>1.11. Compliance with DCP</p> <p>This section requires certain types of applications to be brought to Council's meeting for determination.</p>	<p>This concept approval has been referred to Council for consideration to establish overarching concept approval for the site. This concept prescribes new development controls for the site separate from those within the DCP, including some controls from the DCP also adopted for this site. This assessment supports the creation of the new set of development controls, subject to conditions of consent.</p>
<p>2.1 Vehicle access and movements</p> <p>The Wagga Wagga DCP requires that development should ensure the safety and efficiency of urban roads.</p>	<p>The concept development application provides its own specification for the design of the new public road and the laneways through the site. This design is narrower than standard, with a 5.5m wide carriageway, indented parking 2.1m wide and verges 3.5m wide. The use and specifications of laneways within the concept proposal also differs from that ordinarily provided for by the DCP. Use of laneways in the proposed manner allows new accesses to arterial roads to be limited as per the DCP. This assessment finds that this integrated design will manage traffic appropriately to the style of development intended. The variation to standard design practice is supported.</p>
<p>2.2 Off-street parking</p> <p>Current DCP controls require off-street parking to be adequate for demand, to provide for safe movement of both vehicles and pedestrians, to minimise any potential disruption in the surrounds and minimise impacts to amenity.</p>	<p>The concept development will adhere to the numerical parking requirements of the DCP. All such parking is provided to the rear of dwellings via laneways, removing need for compliance with controls governing the front of residential properties. The site dedicated to construction of residential flat building or seniors housing will be assessed on merit consistent with current DCP requirements and the requirements of the Apartment Design Guidelines.</p>
<p>2.3 Landscaping</p>	<p>The development application has provided a landscape master plan for the precinct, including staging plans demonstrating when</p>

<p>The DCP requires landscaping to be integrated in site development plans, to complement the built form and character of the area and to enhance the entrances to the area.</p>	<p>various components of the landscaping will be provided. The intent of the plans broadly adheres to the intent of the DCP in this regard. Detailed landscape plans will be required to Council's satisfaction prior to commencement.</p>
<p>2.5 Safety and security</p> <p>The DCP provides several controls pertaining to the design of development in order to enhance safety and security of occupants and the general public.</p>	<p>The overall concept development application upholds the objectives of the DCP section. It includes several features to enhance passive surveillance outcomes.</p>
<p>2.6 Erosion and Sediment Control Principles</p>	<p>Future development applications to implement stages of the development concept will be subject to the provisions of Section 2.6 of the DCP.</p>
<p>2.7 Development Adjoining Open Space</p> <p>This section encourages a positive relationship between public open space and private properties.</p>	<p>The urban design report proposes new controls for sites adjoining open space to improve passive surveillance and visual amenity. This assessment supports the approach to be implemented.</p>
<p>4.2 Flooding</p> <p>The central area of Wagga Wagga is a flood prone area.</p>	<p>Flooding is a key constraint active upon the site. Future development on the site will be able to satisfy flood planning requirements for residential development. Development approvals may include a condition of consent that requires floor levels of all habitable structures be raised to achieve compatibility with the flood hazard. Conditions of consent will enforce the need for buildings to be designed and certified in accordance with flood and engineering controls. The subject site will be protected by the Wagga Wagga CBD Levee, designed to withstand a 1 in 100 year flood event. The levee is currently under construction.</p>
<p>7.2 Residential subdivision</p> <p>DCP controls direct that subdivision take place in a manner responsive to site constraints, integrated into the broader design of the development area.</p>	<p>The majority of Section 7 of the DCP will apply to future development on the site. The Urban Design Report provides controls in lieu of Section 7.2.1 of the DCP which requires lots to address and provide frontage to a public road. The new controls allow dwellings to address open space corridors and for vehicle access to be provided by the</p>

	rear lane. These are not a-standard design response. These variations are necessary to support the concept design for the site. The new controls support a compact urban form for the integrated layout proposed. The variations are supported by this assessment.
<p>9.1.3 R3 (medium density) Zone in-fill potential</p> <p>This section sets out broad objectives for the redevelopment of R3 Medium Density zone sites throughout the city, including the subject site at 231 Gurwood Street.</p>	The concept development application fully upholds the directions given for medium density residential development at Section 9.1.3.
<p>9.2 Site context and layout</p> <p>This section seeks to encourage site responsive developments that are compatible with neighbourhood character.</p>	The development concept is an appropriate design response for an R3 zoned site in proximity to CBD employment areas, services and amenities. At the same time it retains functionality, amenity and high presentation standards to provide compatibility with the existing neighbourhood character.
<p>9.2.1 Site layout</p> <p>This section encourages site responsive development compatible with the desired built form.</p>	The intent of Section 9.2.1 is upheld. The dwelling typologies detailed in the urban design report are a fully integrated component of the overall concept design and support the desired built form outcomes for the area.
<p>9.2.2 Streetscape and 9.2.3 Corner lots and secondary facades</p> <p>Section 9.2.2 seeks to encourage attractive streetscapes which provide compatibility with existing built form and define the extent of private and public domains. Section 9.2.3 requires that development on corner sites is required to adequately address all street frontages. Both sections have controls pertaining to fencing around residential properties.</p>	The concept development application provides its own controls pertaining to streetscapes and façades. These controls are location dependent and primarily affect fencing and building articulation. These provisions provided in Sections 06 Housing Typologies and Controls and Section 07 Changes to DCP of the urban design report are supported by this assessment.
9.2.4 Sloping sites	The site is predominantly flat with insignificant slope. There is insufficient gradient on the subject site for Section 9.2.4 to become relevant.
9.3.1 Site area per dwelling	The intent of the maximum lot size is to achieve an appropriate density for the site.

<p>Section 9.3.1 in the R3 Medium Density Residential zone seeks to encourage maximum utilisation of land. A maximum lot size of 300 square metres is stipulated for most residential development types in R3 zoned areas.</p>	<p>Average lot size across the site is noted in the urban design report as approximately 240m². This excludes the residential apartment building which will further raise the overall density. This is in accordance with the intent of existing controls and allows for variety of lot sizes whilst maintaining an overall density.</p>
<p>9.3.2 Site cover</p> <p>This section seeks to ensure lots are appropriately sized for the development they are to receive. This section stipulates site coverage of no greater than 65% of lot area.</p>	<p>Site coverage controls will be varied from those provided within Section 9.3.2 of the DCP. The variation is supported. The varied controls are suitable for medium density residential development and allow efficient use of space. These controls require a maximum of 65% site coverage only for lots greater than 150m² and 80% site coverage for lots less than 150m².</p>
<p>9.3.3 R3 Zones - minimum frontage</p> <p>This DCP section seeks to ensure that lots are appropriately sized for development they are to receive. Multi-dwelling housing and residential flat buildings require a minimum lot frontage of 20m to occur.</p>	<p>The urban design report provides alternative minimum frontage requirements for different dwelling typologies. These are supported. The residential flat building site possesses a frontage greater than 20 metres and therefore does not vary any DCP control.</p>
<p>9.3.4 Solar access</p> <p>The DCP requires dwellings to be designed to receive daylight and natural ventilation, particularly to habitable rooms. Reasonable levels of solar access to adjoining properties should be maintained.</p>	<p>The controls provided within Section 9.3.4 of the DCP are not practicable to uphold for the style of development on this site. The style of development intended is comprehensively foreshadowed by the urban design report and occupants will be aware of the style of development intended. Development applications will be subject to assessment on merit for performance rather than prescriptive standards. The east-west lengthways orientation of many of the prospective lots provides opportunities for sound levels of solar access to be obtained.</p>
<p>9.3.5 Private open space</p> <p>The DCP requires that dwellings receive quality private open space useable for recreation and outdoor living. 24 square metres of private open space is required per dwelling.</p>	<p>The urban design report varies the controls in Section 9.3.5 for each dwelling typology. The proposed development has been designed on the basis of exploiting vertical space to three storeys. A lesser emphasis is placed upon ground level private open space, which is to be complemented by the use of balconies. In each dwelling typology with ground floor access to habitable areas, a courtyard space is required. Further outdoor</p>

	<p>space can be provided via the articulation spaces which allow for balconies to floors above.</p>
<p>9.3.6 Front setbacks and 9.3.7 Side and rear setbacks</p> <p>Section 9.3.6 seeks to promote uniform building lines and attractive residential development complementary to the existing built pattern. Residential development in the R3 Medium Density Residential zone may be eligible for a 3m setback. Section 9.3.7 does not provide specific controls for the R3 Medium Density Residential zone.</p>	<p>The urban design report contains alternative controls for front setback to those provided at Sections 9.3.6 and 9.3.7 of the DCP. These variations are supported by this assessment. Setbacks and their accompanying articulation zones are assigned according to the specific street frontage being addressed. The major thoroughfares of Kincaid Street and Gurwood Street are assigned larger front setbacks, larger than the minimum provided for R3 zoned land within the DCP. Other lower order traffic routes require a lesser setback to be accommodated in accordance with their status. In conjunction with the articulation elements that are permissible, and the interface elements specified the setback requirements promote the efficient use of space, passive surveillance and high presentation that are required by the R3 Medium Density Residential zone.</p>
<p>9.4.1 Building elements and 9.4.2 Materials and finishes</p> <p>Sections 9.4.1 and 9.4.2 seeks to enhance building design including aspects of design which contribute to visual interest and appeal, attractive streetscapes, thermal performance and climatic suitability.</p>	<p>The provisions within Section 9.4.1 and Section 9.4.2 of the DCP will apply to development applications on the site. Additionally, the statement of environmental effects provides commentary about types of materials for dwelling design within the precinct. Council is unable to enforce these types of stipulations via development consent. If this is the intended design outcome, the applicant may consider use of a Section 88B instrument to provide certainty with regard to material typologies. Secondary dwellings as proposed by the development application will vary from DCP control C5 of Section 9.4.1. Secondary dwellings will present as separate to the main dwelling from the rear laneway. This assessment finds this variance is of minor consequence in these locations and is wholly offset by the benefits to housing diversity and passive surveillance that are to be delivered by these dwellings.</p>
<p>9.4.3 Privacy</p>	<p>The controls provided within Section 9.4.3 of the DCP are not fully addressed by the</p>

<p>This section seeks to ensure privacy in newly developed dwellings and avoid impacts to existing dwellings. The section also considers acoustic privacy.</p>	<p>concept development application. The Urban Design Report should be updated to address privacy requirements prior to lodgement of any future development applications on the site. A variation is supported as the style of development intended is comprehensively foreshadowed by the urban design report. Occupants will be aware of the style of development intended and this will be assessed on merit.</p>
<p>9.4.4 Garages, carports, sheds and driveways.</p> <p>This section seeks to minimise the visual impact of garages and driveways. DCP principally stipulates a 1 metre laneway setback, an 8% maximum site coverage and design controls in order to achieve this outcome.</p>	<p>The requirements of the DCP are not varied in full. Rear garages make controls for impact to facades and front building lines redundant. A 1 metre garage setback from laneways is retained, except where a secondary dwelling is built above the garage in which case the upper storey shall overhang this setback. This variation enhances the ability for passive surveillance to be provided to the laneway and is suitable on this basis. DCP controls are also varied to enable rear garages to be built to exploit the full width of a lot. The DCP stipulates an 8% maximum site coverage for garages. The Urban Design Report varies this control. Select housing typologies, particularly where a secondary dwelling is provided in combination above the garage, may result in site coverage of garages approaching 30%. This assessment deems this acceptable in the context of the concept design, with emphasis placed on use of vertical space.</p>
<p>9.4.5 Site Facilities</p> <p>These controls apply to residential typologies greater in scale than a single dwelling.</p>	<p>The controls included in Section 9.4.5 of the DCP will be in effect for later development stages. This would principally apply to residential flat buildings. It may in practice also affect terrace housing approved as multi-dwelling housing prior to the subdivision of lands to create the dwelling typologies intended for the site. Controls provided are particularly relevant to the final stage in the south-western corner of the site which is to receive residential flat building development. A development application for this stage will be required to uphold Section 9.4.5 of the DCP.</p>

9.4.6 Changing landform - cut and fill

Section 9.4.6 of the DCP will apply to future development applications on the site.

Section 4.15(1)(a)(iiia) - Planning Agreements

There are no planning agreements related to the application.

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations

There are no matters prescribed by the regulations relevant to this concept development application.

SECTION 4.15(1)(B) - LIKELY IMPACTS OF THAT DEVELOPMENT

	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	✓			The design concept provides for development compatible with the surrounding area which upholds the objectives of the R3 zone. It provides for development which obtains greatest advantage for the development of the city in a strategic location.
Streetscape	✓			The design concept provides a specific focus upon high presentation value of streetscapes.
Traffic, access and parking	✓			The design concept provides an integrated solution for traffic, access and parking. This provides for minimal new intersections to arterial roads, recess of occupant parking to the rear of properties to elevate neighbourhood presentation and
Public Domain	✓			The public domain is enhanced by provision of new public open space, street tree planting and landscaping and green access routes.
Utilities	✓			The installation of service infrastructure will be subject to separate development consent. The site is able to be adequately serviced.
Heritage			✓	There are no listed heritage items located on or within the subject site. Proposed land uses are complementary to neighbourhood character.
Water Quality & Stormwater	✓			Stormwater management plan is to be developed and lodged pursuant to future development stages.
Waste	✓			The concept proposal provides for domestic waste collection via the proposed laneway network.
Noise & vibration	✓			The proposal endorses future residential developments only and incurs a minimal noise risk as a result. Noise from construction will be subject to separate development consent.
Natural hazards - Flooding - Bushfire Prone Area map	✓			The subject site is in a flood prone area. The type of residential development proposed for the future of the site is able to satisfy existing flood planning requirements with specific controls for floor levels and flood compatibility.
Safety, security and crime prevention	✓			The concept design integrates several features to the benefit of safety and security. Passive surveillance is integrated in site and dwelling design and pedestrian and vehicle traffic largely separated.

Social and economic impact in locality	✓			The future development of the site will add to housing diversity and supply with nearby access to employment areas, services and amenities. This development will contribute to economic activity during construction and on an ongoing basis through the activities of dwelling occupants
Site design and internal design	✓			The concept proposal provides an integrated design response which optimises the use of the site and satisfies the objectives of the land use zone.
Overlooking and overshadowing	✓			Overlooking and overshadowing are increased due to the compact urban form of the development proposal. This is anticipated and will be managed via merit based assessment.
Landscaping	✓			Landscaping plans will be required as a part of development applications for future stages of the proposal.
Construction			✓	The concept proposal foreshadows future development on the site but provides parameters for this only, not approval for construction.
Private open space	✓			The concept design provides new public open space and several open space corridors which provide for pedestrian movement through the site.
Setbacks, Building Envelopes	✓			The concept proposal provides setbacks and building envelopes which are supportive of a compact urban form and uphold zone objectives.

Section 4.15(C) - The Suitability of the site for the development

The subject land located at 231 Gurwood Street is considered to be suitable for the proposed development because the development is permissible within the R3 Medium Density Residential Zone and is supported by the objectives of the zone. All subsequent land uses foreshadowed by the concept are explicitly permissible. Infill development is encouraged within the CBD and the redevelopment of this site shall make a positive social, economic and environmental contribution to the City and to the amenity of the immediate precinct.

Section 4.15(d) - any submissions made in accordance with the Act or the regulation

External submissions received

Submissions were received from Essential Energy and Riverina Water County Council respectively. Both of these submissions did not register any in principle objection to the development but provided conditions under which future development should occur.

Submissions from general public

One submission from the general public has been received at the time of this report. This submission principally raised concerns with the western portion of the concept proposal, with no objection to development taking place overall. Concern was raised related to parking provision on the narrower Thomas Street and potential for overshadowing and overlooking from a future residential flat building to the south-western corner of the of the subject site.

The proposal does not indicate installation of marked car parking to the kerbside of Thomas Street. A future residential flat building could, depending on design, have overshadowing to existing Thomas Street residences in the early morning during the mid-winter period. Any residential flat building on the site would be subject to separate development application and assessment. This will require further public consultation and detailed assessment against the Apartment Design Guidelines. This will include an assessment of potential overshadowing,

overlooking and provision of car parking.

Section 4.15(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is in the public interest.

Development Contributions - Section 7.11/Environmental Planning & Assessment Act & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

Section 7.11 of the Environmental Planning and Assessment Act 1979 and the City of Wagga Wagga's Section 94 Contributions Plan 2006-2019 / Levy Contributions Plan 2006 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.

The Section 7.11 and Section 64 contribution applies and will apply to any future development consent on the land. The proponent also has the opportunity to enter into a planning agreement, however at the time of this assessment, no request has received to enter into an agreement.

Referrals:

Standard internal referral occurred. There is general support for the application subject to conditions.

Conclusion:

This assessment has given consideration to the matters listed where relevant. This assessment was undertaken in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

The application is supported for the following reasons:

- The land is suitable for a higher density of residential development consistent with R3 Medium Density Residential zone objectives.
- The urban design report provides a design response to deliver upon zone objectives whilst being compatible with existing neighbourhood character
- The urban design report provides its design response in an integrated fashion which maximises the opportunity presented by the redevelopment of a complete city block.
- The development controls provided for the future of the site are different from those existing in the DCP but meet the intent and performance requirements for this style of development in the city.

Recommendation

It is recommended that application number DA19/0537 for Concept Development Application be approved, subject to the following conditions:-

CONDITIONS Approved Plans and Documentation

This development application is for concept development approval under Part 4.4 of the Environmental Planning and Assessment Act 1979. This approval is to establish the authority of DA19/0537 documentation for lands at 231 Gurwood Street for master planning and development control purposes. It does not give consent for physical works to the site.

A.1 The future development on the site must be assessed and carried out and in accordance with the approved plans and specifications as follows.

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	The Leagues Urban Design Report	Roberts Day	F	14/11/2019
-	Statement of Environmental Effects	Iris Planning	-	09/2019
-	Geotechnical Investigation & Pavement Design	Aitken Rowe	-	19/11/ 2014
-	Electromagnetic Survey	Terrabyte Services	-	04/2014
180763	Traffic Impact Assessment Report	Traffic Works	-	15/11/2019

The Concept Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

REASON: It is in the public interest that future development on the site is carried out in accordance with the approved plans.

A.2 Prior to the lodgement of any future development application(s), taking up the provisions of the concept development approval, a revised Urban Design Report shall be prepared and submitted for approval by the General Manager or his delegate addressing and incorporating the following:

- Provide a set of development controls in the Urban Design Report that apply to all future development on the site. This is to incorporate the proposed provisions of the Urban Design Report and where relevant, the provisions of the Wagga Wagga DCP 2010 that will still apply.

Note 1: The Urban Design Report provides new precinct controls that will be applicable to future development the site. These controls are in lieu of a number of provisions in the Wagga Wagga DCP 2010. Other parts of the Wagga Wagga DCP 2010 will apply to future development on the site. This must be clarified and reflected in the Urban Design Report.

- Provide an updated version of the Urban Design Report that provides direction for the notification of future development applications on the site.

Note 1: The concept development application has been the subject of public consultation. Excepting the site identified as 'apartment site or residential age care', future development applications that are consistent with the provisions of the approved Urban Design Report and supporting Master Plan shall not be subject to the public consultation requirements of Section 1.10 of the Wagga Wagga Development

Control Plan 2010.

- Provide an updated version of the Urban Design Report to address solar access for the entire development site.

Note 1: Section 08 of the Urban Design Report only addresses the solar amenity of the ‘apartment site’ and not the remainder of the site. It is noted that solar access within the site will not be able to comply with the solar access provisions of the Wagga Wagga DCP 2010, however this needs to be reflected and clearly illustrated in the Urban Design Report for future reference and assessment purposes.

- Provide and include a Staging Plan in the Urban Design Report, clearly outlining the sequence of future development and works included in each stage.
- Provide an updated version of the Urban Design Report and supporting Master Plan to incorporate the following recommendations of the Traffic Impact Assessment Report;

REASON: It is in the public interest to ensure that future development is assessed and carried out in accordance with the concept approval and supporting information.

- A.3 Prior to the lodgement of any future development application(s), taking up the provisions of the concept development approval, the applicant is to provide Council with an asbestos clearance certificate by a suitably qualified person.

Note 1: A previous development consent under DA14/0536 for the demolition of the club building on the site required an asbestos clearance certificate. This has not been provided at the time of the assessment of this application.

REASON: It is in the public interest that to minimise the risk of contamination to human health and the environment prior to occupation of the site.

- A.4 Prior to the lodgement of any future development application(s), taking up the provisions of the concept development approval, a stormwater management plan is submitted for approval.

REASON: It is in the public interest that stormwater is managed on site without impacting on adjoining properties.

- A.5 Prior to the lodgement of any future development application(s), taking up the provisions of the concept development approval, a revised Urban Design Report shall be prepared and submitted for approval by the General Manager or his delegate addressing and incorporating the recommendations of Traffic Impact Assessment Report.

REASON: It is in the public interest that traffic is managed consistent with the recommendations of Traffic Impact Assessment Report.
