



**WAGGA
WAGGA**
CITY COUNCIL

Addendum to Planning Proposal

(revised post-Gateway Determination)

Reference

LEP20/0010

APPLICATION DETAILS

Application No.:	LEP20/0010
Date of Lodgement:	24/12/2020
Applicant:	Wollundry Investments Pty. Ltd.
Proposal:	Planning Proposal amending the Wagga Wagga Local Environmental Plan 2010 by altering the Height of Buildings Map as it applies to Lot 1 DP 1028542 at 63-65 Johnston Street. The maximum height of buildings is proposed to increase from 16 metres to 25 metres at this site.
Assessment Officer:	Adam Wood
Referrals:	Standard internal referral
Recommendation	Endorse for Gateway Determination

SITE DETAILS

Subject Land: Lot 1 DP 1028542 (63-65 Johnston Street, Wagga Wagga)

DESCRIPTION OF DEVELOPMENT

Council is in receipt of a planning proposal by Wollundry Investments Pty. Ltd. affecting Lot 1 DP 1028542 at 63-65 Johnston Street in Wagga Wagga. The Planning Proposal means to increase the Height of Buildings Map as it applies to Lot 1 DP 1028542. This would allow new or refitted buildings up to 25 metres tall, as opposed to the current 16 metres limit.

This addendum to the planning proposal provides additional information about potential alternative approaches to achieving the intent of the project, details on community consultation, as well as setting out the project timeline. It is to be read in conjunction with the original planning proposal document and Council's assessment report.

PART 3 JUSTIFICATION

Section A – Need for the planning proposal

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The object of the planning proposal is to make development up to 25 metres in height at 63-65 Johnston Street permissible on the site.

There are multiple ways in which this outcome could be achieved, including the planning proposal currently being pursued. These include:

- use of Clause 4.6 of the Wagga Wagga LEP to obtain Development Consent with an exception to the existing LEP development standard of 16 metres building height.
- use of the joint planning proposal and development application provisions as at Division 3.5 of the *Environmental Planning and Assessment Act 1979*.
- await the completion of the proposed Wagga Wagga CBD Master Plan.

Consideration of these alternative methods determines that the planning proposal is the preferred method.

The use of Clause 4.6 of the Wagga Wagga LEP requires that contravention of the existing development standards be justified by the proponent. As at Clause 4.6 (3)

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating–*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The planning proposal does not seek to demonstrate that the current development standard (ie. height of building control) is ‘unreasonable’ or ‘unnecessary’ in the circumstances of the case. Rather the planning proposal seeks a change to the development standard in support of purportedly superior future development outcomes more closely aligned to the outlook of strategic planning at the state, regional and local scales. This is a subtly different proposition to the development standard being deemed unreasonable or unnecessary. If such a finding is supported, this should result in a permanent change to the development standard rather than a one-off variation. This would be enabled by the current planning proposal process if successful.

The use of joint planning proposal and development application provisions as at Division 3.5 of the Environmental Planning and Assessment Act 1979 would require the concurrent exhibition of the planning proposal alongside the development application seeking consent for a particular design outcome. Rather than a concurrent process which places emphasis on a specific development design outcome, the current planning proposal enables Council to deliver an overarching assessment of a 25 metres height limit on this site. This process will ensure the height limit is appropriate in-principle, independent of how any specific development proposal may implement this in a building design. This change to development standards, if successful, can support alternative development proposals in future if the initial proposal does not eventuate, without need to revisit whether a 25 metre height limit is appropriate.

The planning proposal could be postponed in favour of awaiting the outcomes of Council’s planned Wagga Wagga CBD Master Plan project. The CBD Master Plan would then inform a precinct-based approach to a planning proposal, supporting the outcomes of the Plan as they relate to this area. This approach has not been favoured in this instance. Council’s reasoning is as follows.

The planning proposal represents an incremental change to a single development standard, confined to a single city block. This is a proposed change of a scale that can be assessed for its suitability against planning directions (including the Wagga Wagga LSPS) through a planning proposal

assessment. Confinement of this incremental change to a single site reduces any potential for the planning proposal to undermine the eventual outcomes of the CBD Master Plan. The alternative is to await the outcomes of the CBD Master Plan, expected to take 12-18 months to reach completion. This would be followed by the preparation and pursuit of a planning proposal affecting this portion of the CBD which may take a further 12-18 months following the adoption of the Master Plan.

Presented with a potential change to the LEP which is contained to a single site and incremental in effect, it is efficient planning practice that Council would conduct an assessment against planning strategies in place. It is noted that these strategies, including the Wagga Wagga LSPS and Riverina-Murray Regional Plan are also those which will help to inform the outcome of the CBD Master Plan. Further, these higher-order planning strategies are adopted directions and are to be upheld by planning activities in the present. Council's initial assessment has found the planning proposal to be broadly consistent with these directions. As the planning proposal is both consistent and contained in its effects, it is reasonable to continue with the planning proposal process as the preferred approach.

PART 5 COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the requirements of the Gateway Determination granted by the NSW Department of Planning, Industry and Environment.

Consultation will also occur in accordance with Council policy as well as the Gateway determination. Council policy requires a public exhibition period of 28 days and a concurrent 42 day period for making of submissions (commencing on the same date as exhibition).

This addendum document comprises part of the planning proposal for the purposes of public exhibition and community consultation.

PART 6 PROJECT TIMEFRAME

TASK	Anticipated timeframe
Anticipated date of Gateway Determination	April 2021
Anticipated timeframe for completion of required technical information	N/A
Timeframe for Government agency consultation	N/A
Commencement and completion dates for public exhibition.	May 2021 – June 2021
Dates for public hearing	N/A
Timeframe for consideration of submissions	June 2021 – July 2021
Timeframe for the consideration of a proposal post exhibition	July 2021
Date of submission to the Department to finalise the LEP	August 2021
Anticipated date RPA will make the plan	September 2021
Anticipated date RPA will forward to the Department for notification	October 2021