



CM9 reference: DOC21/108056

The General Manager  
Wagga Wagga City Council  
PO Box 20  
Wagga Wagga NSW 2650

Attention: Adam Wood

**RE: DRAFT PLANNING PROPOSAL TO AMEND WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 (WWLEP)**

Dear Mr Wood

Thank you for your letter of 14 May 2021 seeking comment in relation to a draft planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP), 63-65 Johnston St.

The planning proposal is described as “changing the LEP Height of Buildings Map standard applying to 63-65 Johnston Street site from 16metres to 25 metres. This change would allow an additional two storeys to be constructed at this site in future, for a total of six storeys. Note that this planning proposal would not grant development approval to construct any specific six-storey design. This would be subject to a separate development application process, which includes further notification, when Council receives such an application”.

The Department provides the following advice in relation to the Draft Planning Proposal:

There is no Crown land located within, or adjacent to the planning proposal area outlined within original advice from Council. Comment in relation to the proposed changes are as follow:

**Maximum Height of Building Map Amendments:**

Nil Comment

Should you require any further information, please contact Sally Fitzgerald, email [sally.fitzgerald@crowland.nsw.gov.au](mailto:sally.fitzgerald@crowland.nsw.gov.au) ph.: (02) 69372720

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shona Cowley', with a stylized flourish at the end.

Shona Cowley  
Acting Area Manager South West  
Department of Planning, Industry and Environment – Crown Lands  
Date 31.05.2021

**From:** [Connect Wagga](#)  
**To:** [Wood, Adam](#)  
**Subject:** Anonymous User completed Public Exhibition Submission - LEP20-0010 – Increase to building height limit at 63-65 Johnston Street  
**Date:** Friday, 25 June 2021 10:36:43 AM

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Anonymous User just submitted the survey 'Public Exhibition Submission - LEP20-0010 – Increase to building height limit at 63-65 Johnston Street' with the responses below on LEP20/0010 - Increase to building height limit at 63-65 Johnston Street.

**Name**

[REDACTED]

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**Address**

[REDACTED]

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**Email**

[REDACTED]

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**Contact number**

[REDACTED]

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**Submission**

[REDACTED] Our property is currently used as an allied health practice in the front of the building and a serviced apartment in the rear part of the building. We would like to outline a couple of concerns we have regarding the planning proposal: Specific Concerns: - Raising the height limit of the building [REDACTED] may end up with privacy issues for our property. in particular, the skylights in the bedrooms of the apartment at the rear of our apartment. When developing the apartment we were required to install these and are concerned that there will be direct sight lines into the bedrooms from the increase in height limit of the building. - Overshadowing is also a concern with an increase in the height limit. We understand that this will have to be addressed by any development application of future developments, however, dismissing the overshadowing impact as minimal in this proposal should not be used by Council in their assessment as the argument put forward by the proponent uses a project that may or may not come to fruition and that has not been scrutinised through normal development application processes. General Concerns: - The justification for the change put forward in the proposal is heavily based on a project that may or may not proceed and that hasn't been scrutinised through normal development application processes. - There is very little basis in the proposal for any need for the height increase other than the profitability of the proponent. Why should this one property within

the Fitzmaurice Street Precinct have an increased height limit and not all of the precinct? - Whilst we understand that the action of requesting changes to the LEP through a planning proposal is legitimate, we would ask does this "pass the pub test"? It very much has the appearance of a back door method of getting around the regulations to develop a specific project that would otherwise not comply, made by people who know how the system works. Knowing that a current Wagga Wagga City Councillor is a director of the proponent company would indicate that maybe it doesn't pass the pub test. Thank you.

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**From:** [REDACTED]  
**Sent:** Fri, 25 Jun 2021 15:27:08 +1000  
**To:** City of Wagga Wagga  
**Subject:** Planning proposal LEP 20/0010

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At t Mr Adam Wood

Dear Sir

I refer to the above Planning Proposal and changing the height applying to 63-65 Johnston St Wagga Wagga ,and fully support such an ambitious project.

Wagga Wagga needs progress and building programs as suggested will help our city look like a progressive place ,moving with the times ,and moving to increase its population to provide an alternative to our large state Capitol Cities

I hope the Program has a speedy outcome .

[REDACTED]

Property owner

[REDACTED] Wagga Wagga

[REDACTED]  
[REDACTED]  
[REDACTED]  
22 June 2021

General Manager  
Wagga Wagga City Council  
PO Box 20  
Wagga Wagga NSW 2650

Via Email

**RE: Planning Proposal LEP20/0010**

Dear General Manager,

It is our submission that the planning proposal LEP20/0010 should not proceed in its current form. Two primary reasons are outlined in the submission:

- 1) Both the proposal and the proposal's assessment has not adequately considered all Principal Development Standards in the Wagga Wagga Local Environment Plan 2020.
- 2) Council's response to the Gateway Determination's request for alternative means is not logical and in fact makes the case for the alternative course of action, and therefore that is the course of action that should be taken.

**1. Principal Development Standards in the Wagga Wagga Local Environment Plan 2020 not adequately considered**

The Principal Development Standards in the Wagga Wagga Local Environment Plan 2020 with respect to height of buildings (section 4.3) state:

"The objectives of this clause are as follows—

(a) to enhance the vitality of Wagga Wagga city centre by facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner,

(b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,

(c) to encourage mixed use development with residential components that have high residential amenity and active street frontages,

(d) to ensure the height of buildings preserves the amenity of neighbouring properties in terms of visual bulk, access to sunlight and privacy and permits adequate sunlight to key areas of the public domain."

It is point (d) with the objective to ensure the height of buildings preserves the amenity of neighbouring properties in terms of privacy that has not been adequately addressed. Council's Planning Proposal Assessment states "Assessment of the planning proposal has also explored the impact of additional building height on the adjoining area and view scapes". If true, the assessment appears to be inadequate as there is no mention of any assessment with respect to view scapes impacting adjoining residential areas. The only view scape assessment is from the perspective of

looking toward the site in question, not from it. The only mention of any residential area in the assessment is in the discussion of shadowing and implies that only rooftops exist to the west of the site. This is incorrect.

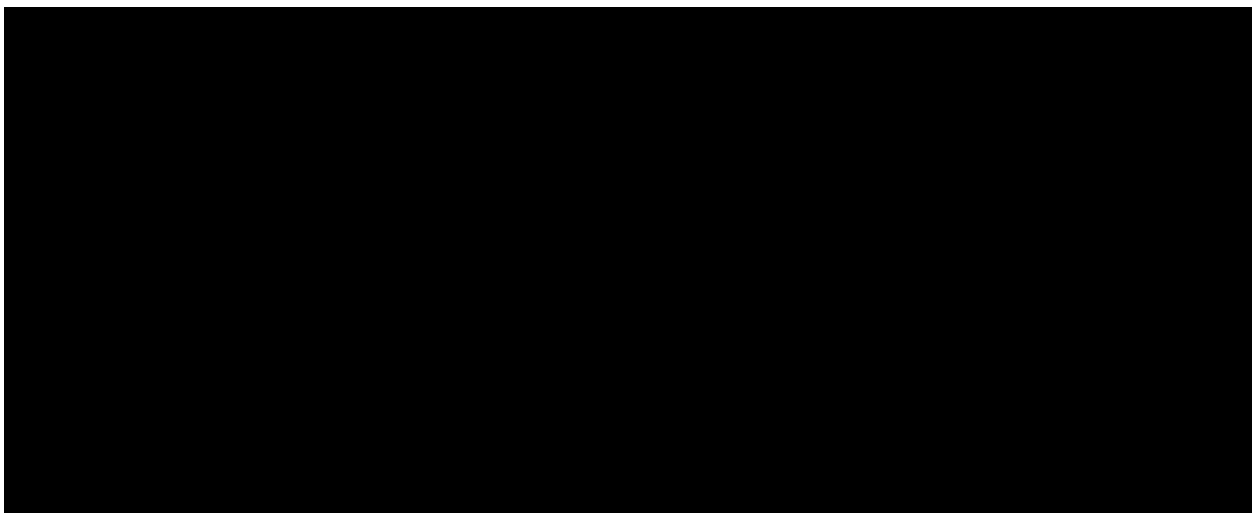
As a result, there has been no impact assessment on loss of privacy in this residential area.

The combination of several factors indicates a significant loss of amenity with any property within a line of sight of the upper floors of any future development. The factors that do cause the loss of amenity are identified in the developer's proposal:

1. In outlining the basis of the proposal, the developer states that the maximum building height will allow the future development to "Take advantage of the views overlooking ... the wider conservation area." (Page A-6).
2. On page A-2, in Figure 7 Concept Elevations, the west elevation appears to show a large floor to ceiling glass window or wall. It is acknowledged the figure's reproduction in the electronic document available on Council's website is not of high quality and may misrepresent the intended concept or may not at all represent the actual built structure in the future, however including large windows at the top of the western side is entirely consistent with the objective to "Take advantage of the views overlooking ... the wider conservation area".
3. On Page A-15, the developer's proposal states "The proposal would result in 24 hour, 7 days per week occupation."

Page A-4 of the proposal states the proposed increase in height would preserve amenity of neighbouring properties, however no evidence of this is provided.

Based on the information provided in the developer's proposal, and based on observable and measurable data in the current as-built environment, it is evident that there will be significant loss of amenity in terms of privacy impacting our property [REDACTED]. The property is identified in the map below highlighting its location relative to the property which is the subject of the proposal. We are unable to assess potential impacts on other neighbouring properties however their proximity to the site in question would lead to a likelihood that they are similarly impacted.



Source: [maps.wagga.nsw.gov.au/intramaps90](https://maps.wagga.nsw.gov.au/intramaps90)

The loss of amenity at our property resulting from the lines of sight created by the extra building height will result in our property having no private outdoor space. Currently the rear of our property is the only area that is private as the building on the property is set well back from the front

boundary. Given Council's planning guidelines state that we are to have clear sightlines at the front of our property (as we are in the conservation area), we are unable to construct a front or side fences that would provide privacy in front of the building. This leaves the smaller area at the rear and this will be clearly visible from the two additional stories that could be built under this proposal. Evidence of this is provided by the photographs attached to this submission.

Both photographs are taken at approx. 120cm above ground level. These clearly show that the current structure has the top 2 metres visible from various locations on our property. The locations are marked as red dots on the aerial photograph of the property. This is not currently an issue as the currently visible structure is not permanently or even regularly occupied. An additional nine meters, or two stories above that, built to "Take advantage of the views overlooking ... the wider conservation area", and having "24 hour, 7 days per week occupation" will give the occupants clear and constant sight lines into our property.

Consequently, the proposal fails to meet the Principal Development Standard to ensure the height of buildings preserves the amenity of neighbouring properties in terms privacy.

We are not against development of the area, or the property in question, or the use of the site for a residential development. We do object to proposals that do not ensure the amenity of neighbouring properties such as ours is preserved, and are not consistent with the Principal Development Standards. We would support proposals that limit development of the west elevation above the height of the ceiling of the current occupied top floor to solid walls with no windows, doors, balconies, etc. that would provide sight lines into the neighbouring properties.

## **2. Council's response to the Gateway Determination's request for alternative means in fact makes the case for the alternative course of action**

With respect to the Gateway Determination's requirement that Council "update the planning proposal to provide discussion on the alternative means of achieving the planning proposal objective and justification why the approach selected has been preferred," the argument provided for not awaiting the outcomes of Council's planned Wagga Wagga CBD Master Plan project is not logical.

Council reasons that "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". There is no alternative proposal presented to make any other change in any form, therefore there is otherwise no potential to undermine the eventual outcomes of the CBD Master Plan. Consequently, this proposal actually increases the potential to undermine the eventual outcomes of the CBD Master Plan.

Council also states that the alternative is to await the outcomes of the CBD Master Plan, which is expected to take 12-18 months to reach completion. This is hardly an unreasonable time to wait to reduce the potential of undermining the master plan to zero. Also given the ample amount of commercial space currently available for lease within the city, including in the developer's own property as stated in their proposal, there is no demonstrable reason to rush through a change that may be regretted in the near future.

Allowing incremental change in isolation and not assessing the proposal as part of the CBD Master Plan therefore goes against section 4.3 of Wagga Wagga Local Environment Plan 2020, point (a) which states "...facilitating medium and high density residential, commercial and retail development in a co-ordinated and cohesive manner" as this not "co-ordinated and cohesive."

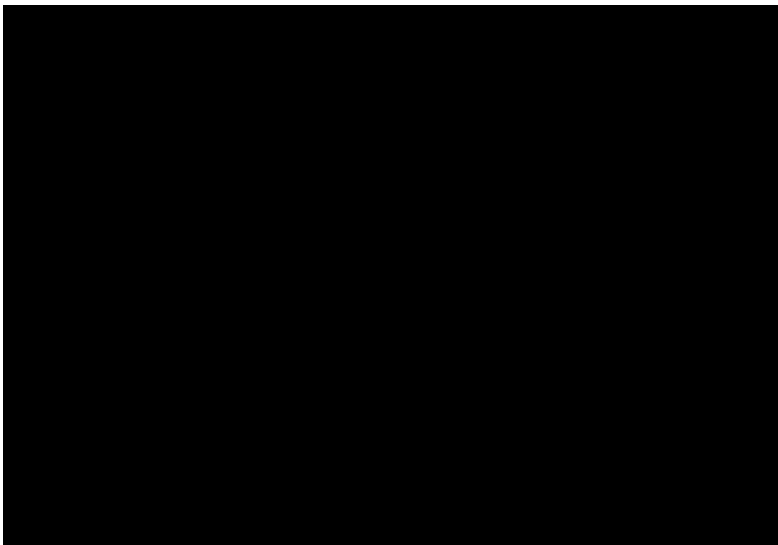


The dismissal by Council of the use of joint planning proposal and development application provisions as at Division 3.5 of the Environmental Planning and Assessment Act 1979 potentially removes from Council the ability to address potential issues raised by a future development application. This is especially important now given that Council proposes to allow a change that it acknowledges may undermine the future CBD Master Plan. Given the impact to neighbouring properties will be jointly determined by the height of any development and its particular design, it is entirely appropriate that joint planning proposal and development application assessment be completed together.

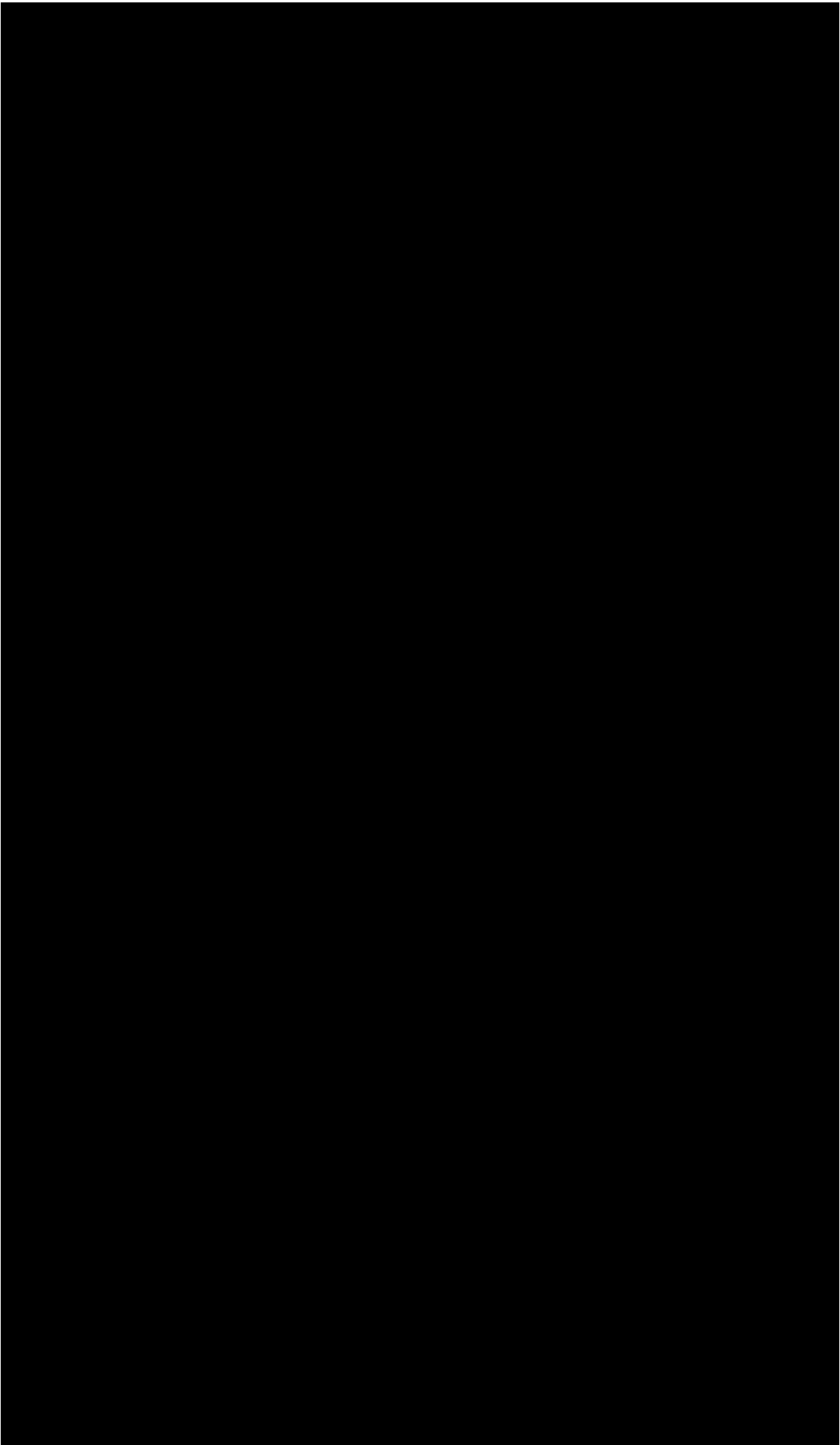
The fact that Council's assessment of the current proposal was inadequate with respect to assessment against all Principal Development Standards highlights the need for Council to keep all options available.

Again we state that we are not against development of the area, or the property in question. We do object to proposals that do not ensure the amenity of neighbouring properties is preserved consistent with the Principal Development Standards. This is such a proposal. A joint planning and development application would address some of the concerns raised above. We ask Council to take a more considered approach that includes proper assessment of the proposal that addresses the issues raised here and does not risk compromising the integrity of the CBD Master Plan.

Sincerely,



Attachment: Photographs illustrating line of sight from [redacted] Wagga Wagga toward the property which is the subject of LEP20/0010.



Source: [maps.wagga.nsw.gov.au/intramaps90](https://maps.wagga.nsw.gov.au/intramaps90)

**From:** [Connect Wagga](#)  
**To:** [Wood, Adam](#)  
**Subject:** Anonymous User completed Public Exhibition Submission - LEP20-0010 – Increase to building height limit at 63-65 Johnston Street  
**Date:** Friday, 25 June 2021 7:28:45 AM

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### Name

[REDACTED]

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### Address

[REDACTED]

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### Email

[REDACTED]

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### Contact number

[REDACTED]

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### Submission

The proposal to increase the height of the building at 63-65 Johnson Street is inappropriate and is to be resisted in the strongest way possible. The existing building is very out of character with the nature and streetscape of the area. Wagga Wagga is privileged with space and is able to accommodate such developments in other areas. The inner-city areas are an important part of the history of our city. As well as being near waterways, they hold the character and historical story of our city in their architecture. This building already compromises that character, and will only be more destructive if it is allowed to go higher. The building in question has not been well maintained, and is tall enough to be visible from along Gurwood Street. Increasing the height will, sadly, increase its far-reaching negative visual impact. The location of the building will cause shading of surrounding gardens and Wollundry Lagoon. These are areas precious to our city, as a drawcard to Wagga, and are even described online [[visitwagga.com](http://visitwagga.com)] “Victory Memorial Gardens Located in the heart of the city, the Wollundry Lagoon is the perfect spot to relax or enjoy a pleasant stroll or cycle. Along the loop you will be at an arm’s length to arts, culture and history in the Civic Centre precinct.” Allowing this building to increase in height will spoil the habitat and beauty of the Lagoon; potentially overshadow events in the gardens, and undo the community and identity growing in our city. How good will our fireworks look against the backdrop of such a building? What issues might be encountered by the tenants

of such a structure? There are bound to be Parking Issues for recreational and business citizens alike. The existing traffic control would also be tested to its limits. Customers of existing shops already experience traffic and parking issues. The problems for customers at the supermarket may be compounded. If the precedent is set, to raise commercial building heights, this will snowball into major issues for future generations. We must as a community plan for future generations, with consideration to the effect of increased pressure on our existing infrastructure. There may also be negative environmental effects from the engineering pressures on construction for taller buildings- especially with regard to the lagoon itself being in a flood-prone area. Overall, my concern is that this will send a poor signal to developers that our city can be exploited for short-term monetary gain regardless of the impact on the integrity of our city. The beautiful buildings adjacent to 63-65 Johnston Street will be dwarfed and disadvantaged by being shaded, literally and figuratively, by unsympathetic and un-necessary development. Please let us not add any more buildings to Wagga Wagga, that will stand as testaments to short-sighted or absent planning control.

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**From:** [Connect Wagga](#)  
**To:** [Wood, Adam](#)  
**Subject:** Anonymous User completed Public Exhibition Submission - LEP20-0010 – Increase to building height limit at 63-65 Johnston Street  
**Date:** Tuesday, 1 June 2021 10:57:54 AM

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**Name**

[REDACTED]

---

**Address**

[REDACTED]

---

**Email**

[REDACTED]

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**Contact number**

[REDACTED]

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**Submission**

The visual of an additional 10 metres is quite a hideous view in and around the conservation area and does not conform to the heritage style of this area. The original building of 16 metres should never have been built.

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