

# Planning Proposal Assessment Report

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Brunslea Park Estate – LEP22.0002



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## Application Details

<b>APPLICATION NO:</b>	LEP22.0002
<b>APPLICANT:</b>	Mr Brent Annis-Brown Wakefield Ashurst Developments Pty Ltd
<b>PROPOSAL SUMMARY:</b>	<b>Parcel A -</b> <i>Land zoning:</i> Rezoning from RU1 Primary Production to part RE1 Public Recreation and part R1 General Residential. <i>Minimum lot size:</i> Reduce minimum lot size from 200 hectares to 450m <sup>2</sup> for land proposed to be R1 General Residential. <b>Parcel B -</b> <i>Land zoning:</i> Rezoning from RU1 Primary Production to part RE1 Public Recreation and part R5 Large Lot Residential, and part IN1 General Industrial. <i>Minimum lot size:</i> Reduce minimum lot size from 200 hectares to part 2,000m <sup>2</sup> and part 4,000m <sup>2</sup> for land proposed to be R5 Large Lot Residential.
<b>SUBJECT LAND:</b>	<b>Parcel A</b> 20 Mangrove Cres FOREST HILL NSW 2651 2/-/1287198 60 Lacebark Dr FOREST HILL NSW 2651 3/-/1287198  <b>Parcel B</b> 50 Inglewood Rd FOREST HILL NSW 2651 4/-/1287198
<b>CURRENT LEP PROVISIONS:</b>	Land zoning - RU1 Primary Production Minimum lot size - 200 ha
<b>CURRENT DCP PROVISIONS:</b>	Rural provisions
<b>LAND OWNER(S)</b>	Refer to confidential attachment.
<b>ASSESSING OFFICER:</b>	John Sidgwick, Director Regional Activation



Table 1 – Documents Lodged

Document	Author/date
Planning Proposal	DFP Planning, Final Revised, dated 28/04/2022
Concept Plan Report	DFP Planning, undated.
Survey Plan	TJ Hinchcliffe & Associates
Detailed Site Investigation	EMM, v3 Final, dated 4 November 2021
Stormwater Management Plan	Civil Cert, dated 20 September 2021
Transport Assessment	Arc Traffic and Transport, v4, dated 3 November 2011
Biodiversity Assessment	NGH Environmental, Final V1.1, dated 16/09/2021
Aboriginal Heritage Assessment	NGH Environmental, Final 1.1, dated 16/09/2021
Bushfire Assessment	NGH Environmental, Final V1.1, dated 15/09/2021
Existing infrastructure report	Lance Ryan Consulting Engineers dated December 2021.



## Site and Location

The site is located by the Brunslea Park Estate approximately 9.5km east of Wagga Wagga City Centre. The Estate is South of the main route of travel into and out of Wagga Wagga via the Sturt Highway. Lake Albert is located approximately 6.8km southwest of the site. Wagga Wagga Airport and the suburb of Forest Hill is located to the east. The site has a total area of approximately 168 hectares.

**Parcel A** is 69.08ha. The site is bounded by Elizabeth Avenue and residential properties to the east, rural land to the west, south and north.

**Parcel B** is 99.25ha. The site is bounded by Inglewood Road to the south, Elizabeth Avenue and residential properties to the northeast, and rural land to the north, west and south.

Other relevant features of the land include:

- An electricity transmission line traverses parcel A in an east-west orientation.
- The site contains Plant Community Type (PCT) 277 - Yellow Box - Red River Gum Tall Grassy Riverina Woodland of New South Western Slopes Bioregion and Riverina Bioregion. The site contains some high value vegetation.
- The sites abuts the existing residential estate of Brunslea Park to the west and south west.
- The site is also in proximity to the Wagga Wagga Airport.
- The site is characterised as being rural.
- A disused rail line traverses the site.
- Gregadoo Creek also traverses the southern portion of the site.

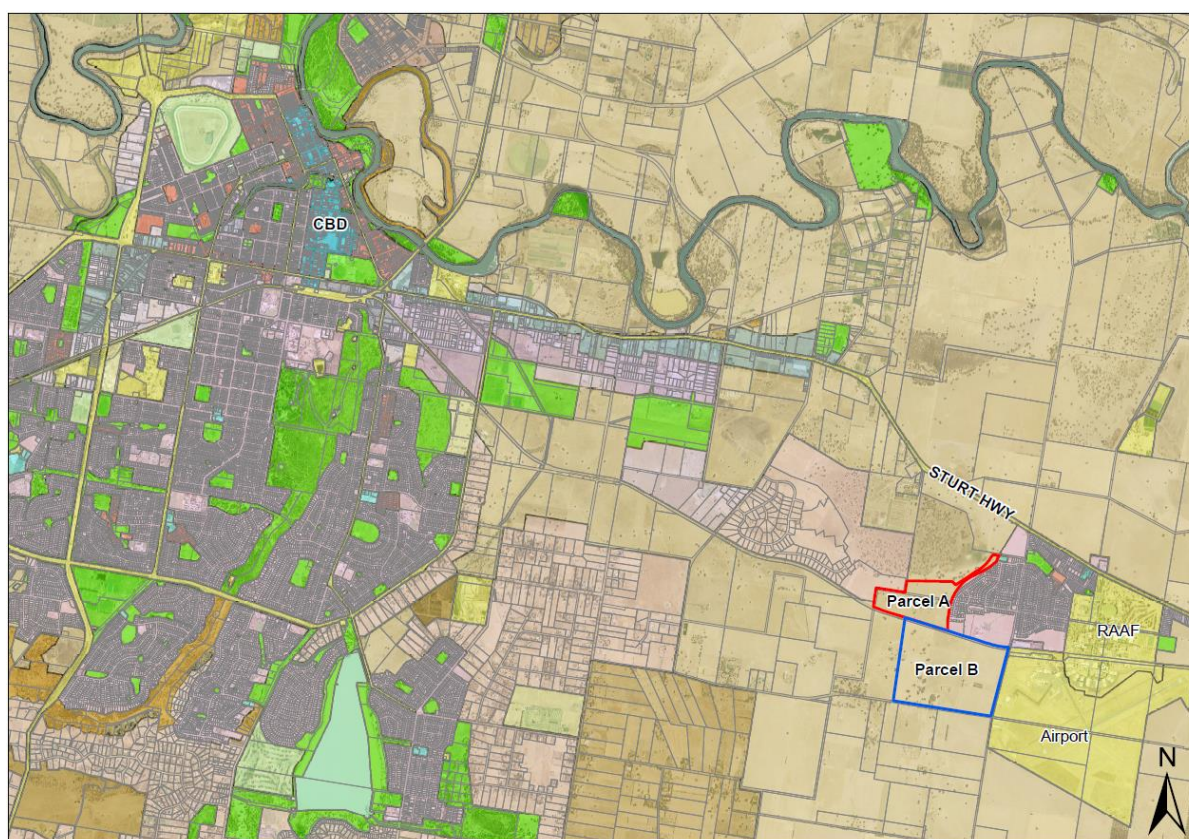


Figure 1 – Context Map **Source:** Prepared by Council Staff





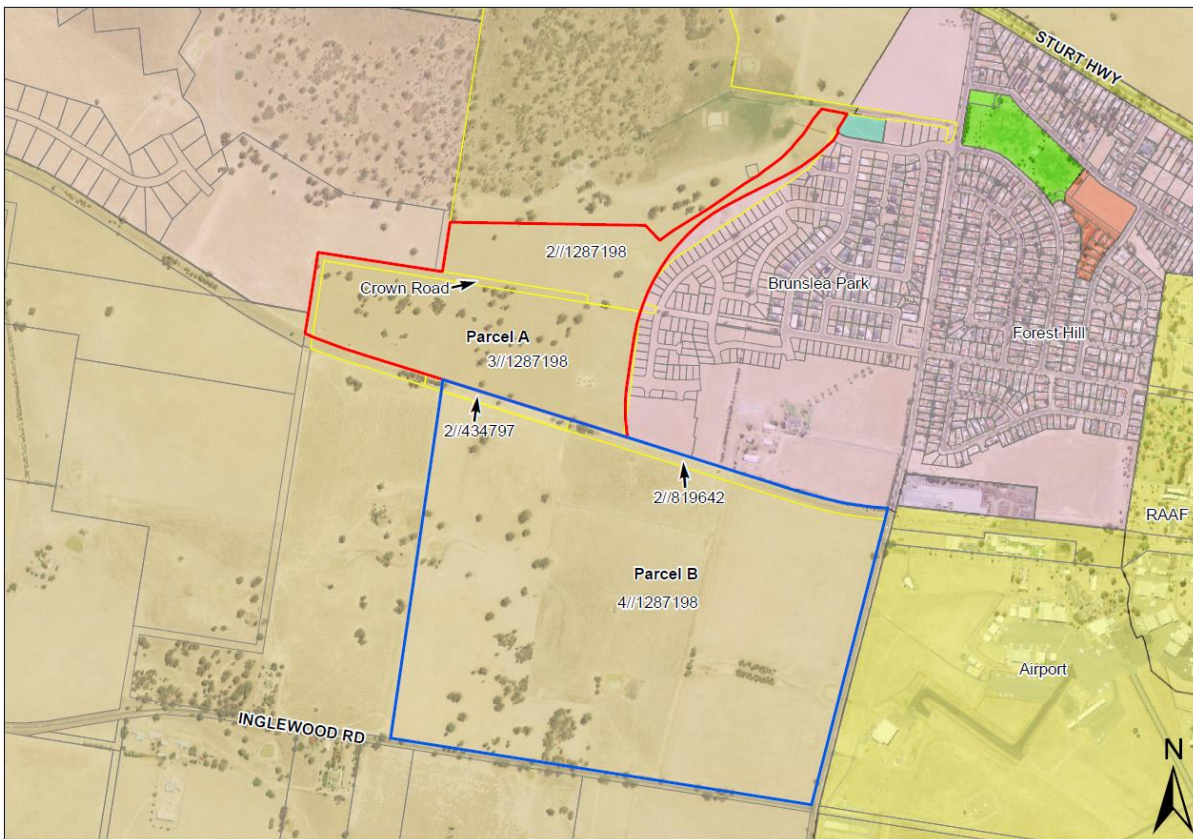


Figure 2 – Lot Identification **Source:** Prepared by Council Staff



Figure 3 – Aerial Image **Source:** Prepared by Council Staff





### Section 3.33 – Environmental Planning & Assessment Act 1979

The following matters pursuant to the provisions of Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's '*Local Environmental Plan Making Guideline*' (August 2023), have been taken into consideration in the assessment of the proposal.

It is noted that the subject application was lodged 12 May 2022, since then a number of new strategies, guidelines and directions have been implemented. These changes do not include any savings or transitional period, therefore when making the assessment of the Planning Proposal current strategies, guides and directions have been considered.

Section 3.33(2) of the EP&A Act states that the planning proposal is to include the following:

- (a) *a statement of the objectives or intended outcomes of the proposed instrument,*
- (b) *an explanation of the provisions that are to be included in the proposed instrument,*
- (c) *the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),*
- (d) *if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
- (e) *details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*

These matters are assessed below, with respect to the application in detail below.

**For the purposes of this Assessment, the Proposal has been assessed as a whole, unless reference is made specifically to either Parcel.**



## 1. Part 1 – Objectives and intended outcomes

The objectives as outlined in the draft Planning Proposal are to:

- To rezone RU1 Primary Production zoned land to part RE1 Public recreation zone to accommodate future recreation land and open space.
- To rezone current RU1 Primary Production zoned land to part R1 General Residential, in keeping with adjoining development to the east.
- To retain part RU1 zoned land on constrained land.
- To amend the minimum lot size map within WWLEP 2010 to suit the proposed zones and reflect controls in similar zones.
- Enhance the landscaping on the site.
- Retain historical features that transect the site (rail line) for future adaption in open space networks.
- Provision for pedestrian/ cycle network providing connectivity through the site and the wider pedestrian/ cycle network.
- To rezone current RU1 Primary Production zoned land to part IN1 General Industrial, in keeping with the industrial zone east of Elizabeth Avenue adjoining the airport.
- To rezone current RU1 Primary Production zoned land to part R5 Large Lot Residential, creating a transition from the existing and proposed R1 General Residential zone, north of Parcel B to rural properties south of the Parcel B, also creating a buffer from the airport to denser residential areas.

**Comment:** The objectives of the draft Planning Proposal are sound, however the application of these objectives in consideration of the wider strategic planning framework and principles are limited. Further assessment and discussion is provided throughout this report.

## 2. Part 2 – Explanation of provisions

The draft Planning Proposal seeks to amend the *Wagga Wagga Local Environmental Plan 2010* (LEP) to achieve the following:

### Parcel A:

- Rezone from RU1 Primary Production to part RE1 Public Recreation and part R1 General Residential.
- Reduce the minimum lot size to 450m<sup>2</sup> for land proposed to be R1 General Residential.

### Parcel B:

- Rezone from RU1 Primary Production to part RE1 Public Recreation and part R5 Large Lot Residential, and part IN1 General Industrial.
- Reduce minimum lot size from 200 hectares to part 2,000m<sup>2</sup> and part 4,000m<sup>2</sup> for land proposed to be R5 Large Lot Residential.

The intended development outcomes for parcel A are to rezone the land for urban development, and to create approximately 280 proposed lots with additional public recreation space.

The intended development outcomes for Parcel B, are to rezone land for urban development, and to create approximately 215 rural residential lots, with additional industrial land and public recreation land.

The Planning Proposal as submitted by the applicant would involve a change to the LEP, specifically by amending the Minimum Lot Size map and Land Zoning map.



## 2.1. Mapping

### LEP22/0002 - Proposed changes to land zoning

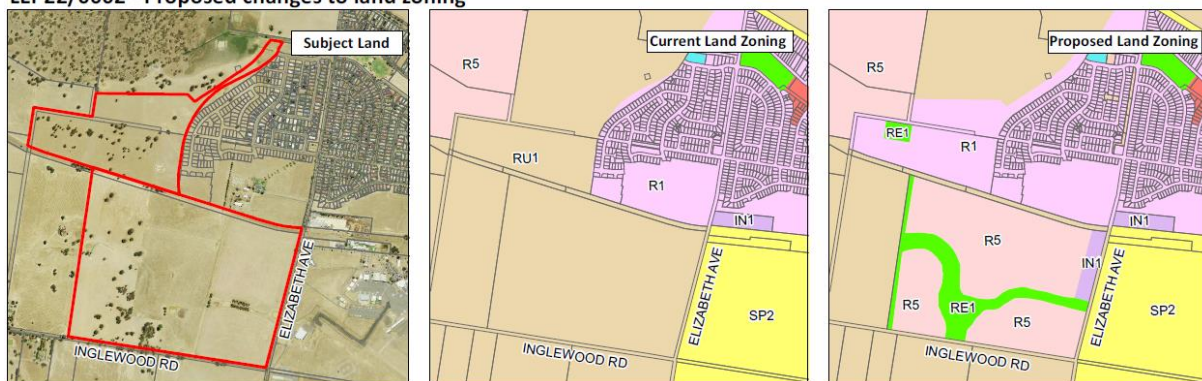


Figure 4 – Proposed Land Zoning **Source:** Prepared by Council Staff

### LEP22/0002 - Proposed changes to minimum lot size

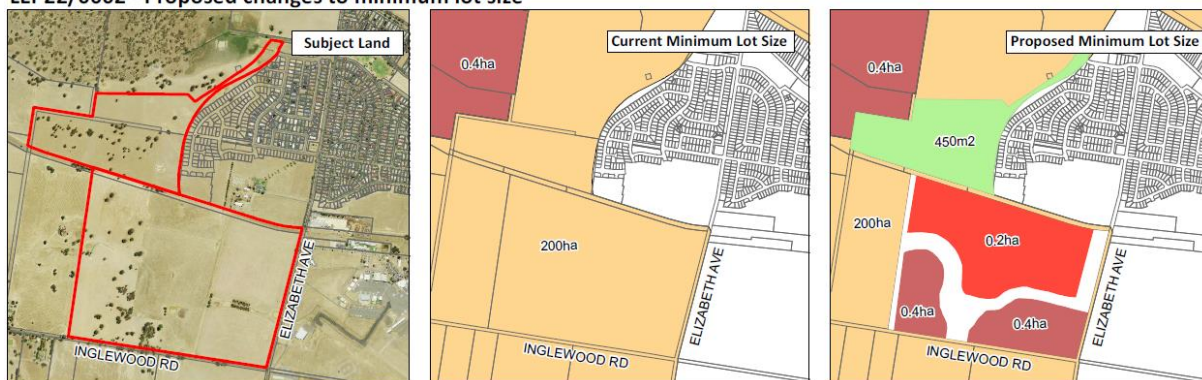


Figure 5 – Proposed Minimum Lot Size **Source:** Prepared by Council Staff

## 2.2. Proposed Amendments

No amendments are proposed by the assessing officer to be included as part of the Planning Proposal.

## 2.3. Alternative approaches

A planning proposal is the only mechanism within the NSW planning system that allows for the outcomes sought by the applicant to be achieved.



### 3. Part 3 – Justification of strategic and site-specific merit

This section provides a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported.

This is the most important section of the planning proposal and integrates findings from supporting studies and investigations and provide justification for the proposed amendments to the LEP. It also considers the interaction between these findings and whether the proposal will align with the strategic planning framework and context and have any environmental, social, or economic impacts.

Table 2 – Summary of Consistency with Table 3 of LEP Making Guideline

#	Question	Consistency & Comment
<b>Section A – need for the planning proposal</b>		
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Refer to Section 3
2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Refer to Section 2.3
<b>Section B – relationship to the strategic planning framework</b>		
3	Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	Refer to Section 3.1
4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?	Refer to Section 3.2, Section 3.5, Section 3.6 and Section 3.7
5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	N/A
6	Is the planning proposal consistent with applicable SEPPs?	Refer to Section 3.3
7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?	Refer to Section 3.4
<b>Section C – environmental, social and economic impact</b>		
8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	Refer to Section 3.11
9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	Refer to Section 3.7, 3.9, 3.10, 3.11, and 3.12.





#	Question	Consistency & Comment
10	Has the planning proposal adequately addressed any social and economic effects?	Refer to Section 3.13
<b>Section D – Infrastructure (Local, State and Commonwealth)</b>		
11	Is there adequate public infrastructure for the planning proposal?	Refer to Section 3.10
<b>Section E – State and Commonwealth Interests</b>		
12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Refer to Section 5



### 3.1. Regional Plan

The following table outlines and assesses the relevant objectives of the *Murray Riverina Regional Plan 2041* applicable to the proposal.

Table 3 – Regional Plan Assessment

Matter	Consistent	Inconsistent	N/A	Comment
Objective 1: Protect, connect and enhance biodiversity throughout the region		×		Inconsistent by virtue of inconsistency with Strategy 1.1
Strategy 1.1		×		The draft Planning Proposal is inconsistent with strategy 1.1 as it does not adequately address the avoid and minimise requirements set out in the <i>Biodiversity Conservation Act 2016</i> .
Objective 2: Manage development impacts within riverine environments			×	
Strategy 2.1			×	
Action 2			×	
Action 3			×	
Objective 3: Increase natural hazard resilience		×		Inconsistent by virtue of inconsistency with Strategy 3.1
Strategy 3.1		×		<ul style="list-style-type: none"> <li>- The draft Planning Proposal is inconsistent with strategy 3.1 as it is not consistent with applicable NSW policies or guidelines</li> <li>- The draft Planning Proposal does not adequately demonstrate that new development has been located in a way that is commensurate to the risks of unacceptable flooding</li> </ul>

Matter	Consistent	Inconsistent	N/A	Comment
				<ul style="list-style-type: none"> <li>- The draft Planning Proposal does not resolve matters relating to design of public spaces and green infrastructure networks</li> </ul>
Objective 4: Support Aboriginal aspirations through land use planning			×	
Objective 5: Ensure housing supply, diversity, affordability and resilience		×		Inconsistent by virtue of inconsistency with Strategy 5.3
Strategy 5.1			×	
Strategy 5.2			×	
Strategy 5.3		×		<p>The draft Planning Proposal does not align with this strategy for the following reasons:</p> <ul style="list-style-type: none"> <li>- The proposal does not avoid constraints and hazards.</li> <li>- Does not minimise land use conflicts with other uses (airport).</li> <li>- Does not protect or consider impacts on areas of high environmental value.</li> <li>- Does not demonstrate that a variety of housing will be provided that reflects community need.</li> <li>- Does not fully justify or discuss the mechanisms for providing new services and infrastructure.</li> </ul>
Action 4			×	
Objective 6: Support housing in regional cities and their sub-regions		×		Inconsistent by virtue of inconsistency with Strategy 6.1

Matter	Consistent	Inconsistent	N/A	Comment
Strategy 6.1		X		<p>The draft Planning Proposal is inconsistent with strategy 6.1 as it:</p> <ul style="list-style-type: none"> <li>- Does not coordinate appropriate urban growth and development through structure and master planning.</li> <li>- Does not adequately consider the timeframes and staging for servicing of land and mechanisms for funding</li> </ul>
Objective 7: Provide for appropriate rural residential development		X		The draft planning proposal is inconsistent with objective 7 as the proposed rural residential growth restricts considered future urban growth opportunities due to land ownership fragmentation and competing priorities.
Strategy 7.1		X		<p>The draft Planning Proposal is inconsistent with strategy 7.1 as it:</p> <ul style="list-style-type: none"> <li>- The proposed R5 land is not identified within a local housing or other strategy approved by DPE and prepared in accordance with Objective 5</li> <li>- Reduces opportunities for future urban development options.</li> <li>- Is to be located near or adjacent to areas of high environmental values and cultural heritage significance.</li> <li>- Does not consider or provide appropriate buffer distances to the proposed employment lands that could contain hazardous or offensive industry (if approved).</li> <li>- Sewer connection for R5 lots requires resolution.</li> </ul>
Objective 8: Provide for short-term accommodation			X	
Strategy 8.1			X	
Strategy 8.2			X	



Matter	Consistent	Inconsistent	N/A	Comment
Objective 9: Plan for resilient places that respect local character		×		Inconsistent by virtue of inconsistency with Strategy 9.1
Strategy 9.1		×		The draft Planning Proposal is inconsistent with strategy 9.1 as the conservation and enhancement of cultural heritage values has not been considered appropriately. This includes engagement with Traditional Owners and managing cumulative impact and protecting Aboriginal heritage.
Strategy 9.2		×		The draft Planning Proposal is inconsistent with strategy 9.2 as it does not consider: <ul style="list-style-type: none"> <li>- the principles of the <i>NSW Public Spaces Charter</i>.</li> <li>- Environmental values to be protected (in accordance with Objectives 1 &amp; 2).</li> <li>- Does not consider opportunities to integrate activation strategies with planning for hazards such as flooding (in accordance with Objective 3)</li> </ul>
Action 5			×	
Strategy 9.3			×	
Strategy 9.4			×	
Strategy 9.5			×	
Strategy 9.6		×		The draft Planning Proposal does not consider this strategy
Strategy 9.7			×	

Matter	Consistent	Inconsistent	N/A	Comment
Objective 10: Improve connections between Murray River communities			×	
Objective 11: Plan for integrated and resilient utility infrastructure		×		Inconsistent by virtue of inconsistency with Strategy 11.2
Strategy 11.1			×	
Strategy 11.2		×		The draft Planning Proposal does not consider this strategy.
Objective 12: Strategically plan for rural industries			×	
Strategy 12.1			×	
Strategy 12.2			×	
Strategy 12.3			×	
Objective 13: Support the transition to net zero by 2050		×		The draft Planning Proposal does not consider this strategy.
Objective 14: Protecting and promoting industrial and manufacturing land		×		Inconsistent by virtue of inconsistency with Strategy 14.2 and 14.3
Strategy 14.1			×	
Strategy 14.2		×		The draft Planning Proposal does not consider this strategy.

Matter	Consistent	Inconsistent	N/A	Comment
Strategy 14.3		×		The draft Planning Proposal does not consider this strategy.
Action 6			×	
Action 7			×	
Objective 15: Support the economic vitality of CBDs and main streets			×	
Strategy 15.1			×	
Strategy 15.2			×	
Strategy 15.3			×	
Objective 16: Support the visitor economy			×	
Strategy 16.1			×	
Strategy 16.2			×	
Objective 17			×	
Strategy 17.1			×	
Strategy 17.2			×	
Strategy 17.3			×	

Matter	Consistent	Inconsistent	N/A	Comment
Objective 18: Integrate transport and land use planning		×		Inconsistent by virtue of inconsistency with Strategy 18.3 and 18.6
Strategy 18.1			×	
Strategy 18.2			×	
Strategy 18.3		×		The draft Planning Proposal does not consider this strategy.
Strategy 18.4			×	
Strategy 18.5			×	
Strategy 18.6		×		<p>The draft Planning Proposal does not consider the future upgrades, strategic importance or growth associated with the Wagga Wagga Airport. The Wagga Wagga Airport Masterplan, LSPs and supporting studies identify the importance of this strategic asset and the need to protect it. This includes protection from encroachment of incompatible development such as:</p> <ul style="list-style-type: none"> <li>- managing and protecting associated land uses and airspace, including potential future operations</li> <li>- limiting the encroachment of incompatible development</li> <li>- avoiding development that penetrates the Obstacle Limitation Surface</li> <li>- identifying and activating employment lands in surrounding areas.</li> </ul> <p>Further strategic planning work needs to be undertaken prior to any further consideration of development that could ultimately prejudice the operation and growth of this asset.</p>



Table 4 – Summary & Recommendations – 2041 Regional Plan

<b>Summary of Findings</b>	<p>The Riverina Murray Regional Plan 2036 (Regional Plan) outlines a vision to promote the growth of regional cities and local centres and identifies the significance of the Wagga Wagga Airport. While it promotes growth and provision of housing in the region, it also sets out policies on protecting of the region's diverse productive agricultural land and natural environment, as well as managing rural residential development, sustainable development, and delivering healthy urban design.</p> <p>The subject planning proposal is considered inconsistent with</p> <ul style="list-style-type: none"> <li>- Objective 1, Objective 3, Objective 5, Objective 6, Objective 7, Objective 9, Objective 11, Objective 13, Objective 14 and Objective 18.</li> <li>- Strategy 1.1, Strategy 3.1, Strategy 5.3, Strategy 6.1, Strategy 7.1, Strategy 9.1, Strategy 9.2, Strategy 9.3, Strategy 11.2, Strategy 14.2, Strategy 14.3, Strategy 18.3 and Strategy 18.6.</li> </ul>
<b>Relevant Application Documentation</b>	<p>The draft Planning Proposal addresses the 2036 Regional Plan which has been superseded by the 2041 Regional Plan. At a high level, the plans cover a similar range of planning principles including place making, growth and provision of housing, urban design, environmental and economic principles. However, there are a number of matters outlined within the Regional Plan which have not been satisfactorily considered and addressed.</p>
<b>Recommendation</b>	<p>The draft Planning Proposal is inconsistent with Objective 1, Objective 3, Objective 5, Objective 6, Objective 7, Objective 9, Objective 11, Objective 13, Objective 14, Objective 18, Strategy 1.1, Strategy 3.1, Strategy 5.3, Strategy 6.1, Strategy 7.1, Strategy 9.1, Strategy 9.2, Strategy 9.3, Strategy 11.2, Strategy 14.2, Strategy 14.3, Strategy 18.3 and Strategy 18.6 of the Murray Riverina Regional Plan 2041.</p>



### 3.2. Local Strategic Planning Statement

The following tables outline and assess the relevant aspects of the *Wagga Wagga Local Strategic Planning Statement (LSPS)* applicable to the proposal.

Table 5 – Wagga Wagga LSPS Assessment

Direction	Compliance
Principle 1: Protect and enhance natural areas	<p><b>Inconsistent</b></p> <p>The LSPS states that our natural areas and corridors will be prioritised, minimising our footprint and protecting biodiversity for the city's future. The draft Planning Proposal is supported by an Initial Biodiversity Assessment, but no draft BDAR.</p> <p>Refer to comments within Table 20 (Environment) and Table 21 (BCSD).</p>
Principle 2: Increase resilience to natural hazards and land constraints	<p><b>Inconsistent</b></p> <p>The draft Planning Proposal has a range of outstanding issues relating to biodiversity, PFAS contamination, bushfire and flooding. As these issues remain outstanding the draft Planning Proposal is inconsistent with this principle.</p>
Principle 3: Manage growth sustainably	<p><b>Inconsistent</b></p> <p>The LSPS states (amongst other matters) that future development should have regard to the 'protect, minimise, mitigate, offset' hierarchy for managing the impacts of development on biodiversity and areas of high environmental value. The subject Planning Proposal does not provide an adequate assessment of this hierarchy and its impacts on the development of the land.</p>
Principle 4: The southern capital of New South Wales	<p><b>Inconsistent</b></p> <p>The LSPS states that <i>'important assets and precincts [including Wagga Wagga Airport] across the city will play a significant role in economic and employment growth. Critically important precincts have been identified to enable and allow expansion, enhancement and protection in Wagga... Land use planning will protect the productive capacity of these precincts... These assets underpin Wagga Wagga's standing as the capital of southern NSW, encourage and support investment and ensure Wagga Wagga is a connected and accessible city.'</i></p> <p>Allowing further residential and other general development within the subject site (Brunslea Park) without further development of a revised Airport Masterplan and with regard to the matters raised and discussed in Section 3.7 and Section 3.7 it is considered that the draft Planning Proposal is inconsistent with Principle 4 of the Wagga Wagga LSPS.</p>
Principle 5: Encourage and support investment	<p><b>Inconsistent</b></p> <p>The LSPS states that <i>'...to ensure that Wagga Wagga benefits from an expanded provision of air services as the city grows, the airport will be protected from land use conflict. This will provide a</i></p>



Direction	Compliance
	<p><i>strong and certain basis for long-term investment in continued improvement of the airport facility.'</i></p> <p>The LSPS continues by stating that to '<i>...Facilitate growth in aviation activity requires additional planning to future proof the airport, airside and surrounds. Planning in the periphery of the airport will seek to minimise land use conflict arising from airport operations. Residential intensification and expansion nearby the airport will not be supported, with locations impacted by aircraft operations to be carefully planned to ensure development is compatible with airfield operations.'</i></p> <p>For the reasons clearly set out in the LSPS (above) to allow further development adjacent to the Airport would be contradictory to the purposes and intent of this plan.</p>
Principle 6: A connected and accessible city	<p><b>Inconsistent</b></p> <p>The LSPS states that '<i>The Wagga Wagga Airport complements Wagga Wagga's location on these key land transport routes by enabling air travel services. Accessibility to air travel options reinforces the city's standing as the southern capital of NSW, providing rapid travel connectivity to and from Wagga Wagga and increasing the attractiveness of our city for both residents and enterprise. The airport will be protected within local area planning for the long-term future, with aviation services to increase both in frequency and in the range of destinations offered. The airport is a key land use priority for the eastern side of the city.'</i></p> <p>It is acknowledged that the draft Planning Proposal is consistent with maximising opportunities with accessibility to the Sturt Highway and its ability to connect to active travel routes that traverse the site and connects the suburb to the centre of Wagga Wagga. However, these do not outweigh the importance of protecting the Wagga Wagga Airport without appropriate strategies and frameworks in place that ensure that future development adjacent to the Airport does not prejudice its future growth and development potential.</p> <p>It is for these reasons that the draft Planning Proposal is considered inconsistent with Principle 6.</p>
Principle 7: Growth is supported by sustainable infrastructure	<p><b>Inconsistent</b></p> <p>The LSPS states that '<i>...large lot lifestyle development to be prioritised within our nearby villages and neighbouring towns instead of urban Wagga Wagga. [sic]'</i></p> <p>The LSPS also discusses ensuring that advantage is taken of existing infrastructure networks to support growth. Further discussion with Council's Infrastructure Services Division notes that there are unresolved issues relating to the provision of detention facilities, riparian offsets, NRAR approvals, gaps within the Brunslea Concept Stormwater Management Plan, flooding concerns and inconsistency with MOFFS, no sewer capacity and no evidence of rail approvals (for augmentation and servicing across Parcel A and B).</p>



Direction	Compliance
	It is for these reasons that the draft Planning Proposal is considered inconsistent with the intent of Principle 7.
Principle 8: Our city promotes a healthy lifestyle	<p><b>Neither inconsistent nor consistent</b></p> <p>The principle does not directly discuss matters that are relevant to the draft Planning Proposal. However, indirectly promoting a 'healthy lifestyle' could be broadly interpreted. Concern is particularly raised in regard to contamination, airport impacts such as noise and other hazards associated with this type of development. Furthermore, this can extend to amenity impacts, such as removal of local biodiversity and other impacts such as walkability, cycling links, access to local transport options and services.</p>
Principle 9: High-quality public spaces with an engaging urban character	<p><b>Inconsistent</b></p> <p>The LSPS states that this principle applies to '<i>...Our public spaces, whether it is a playground, sporting field, street or natural area need to combine attractiveness, functionality and interest to promote activity and connection within our communities. The design of our spaces will enhance social connections, accessibility, safety, wellbeing, feelings of inclusion and sense of community.</i>'</p> <p>The draft Planning Proposal is <b>not</b> supported by an Urban Design Strategy, Social Infrastructure Assessment or details that demonstrate consistency with other Council strategies relating to public open space provision and requirements (such as the ROSC).</p> <p>The details surrounding this proposed open space provision are not considered adequate and are inconsistent with the intent of this principle.</p>
Principle 10: Provide for a diversity of housing that meets our needs	<p><b>Generally Consistent</b></p> <ul style="list-style-type: none"> <li>- The proposal provides additional housing for the LGA.</li> <li>- The area is comparatively more affordable than some more expensive areas in Wagga Wagga.</li> <li>- The development does not provide options or consideration of how diversity will be achieved, the majority of lots will be a standard size. The LSPS encourages the ability for future housing to consider an aging and diversifying population and their needs. The data presented in the LSPS demonstrates that there is a shift in household structure and that our housing stock needs to consider and accommodate these changes.</li> <li>- The concept plan lacks any consideration of the potential to deliver senior's housing or alternative housing typologies.</li> </ul>
Principle 11: Strong and resilient rural and village communities	<p><b>Inconsistent</b></p> <ul style="list-style-type: none"> <li>- Regarding the airport precinct, additional future strategic planning work is required to understand the future growth potential to the east of the city beyond this application. Until these matters are resolved, the rezoning of this land is considered premature without suitable supporting strategic studies to demonstrate that the outcomes sought is</li> </ul>





Direction	Compliance
	<p>appropriate with respect to the protection of the Airport precinct and its future operation and growth.</p> <ul style="list-style-type: none"> <li>- The LSPS does not provide support for encouraging rural residential development in areas outside of villages. This direction also aligns with the Regional Plan.</li> <li>- Larger lots within the existing city suburbs can lead to long-term pressures for further subdivision in the future. This should be addressed by relevant strategic planning strategies and the development of relevant structure and master plans.</li> </ul>

Table 6 – Assessment Summary against LSPS Actions.

Action	Consistent	Inconsistent	Not applicable	Comment
ENV1		×		The development does not integrate, protect and enhance high value biodiversity and natural areas, environmental corridors, open space and parklands based on the hierarchy of 'protect, minimise, mitigate and offset'.
ENV2			×	
ENV3			×	
ENV4			×	
ENV5			×	
ENV6		×		The management of land contamination is subject to further investigation and verification with an independent auditor.
ENV7		×		The draft Planning Proposal does not discuss the potential ability to integrate water sensitive urban design principles.
ENV8			×	
ENV9	×			
ENV10			×	
ENV11			×	
ENV12			×	



Action	Consistent	Inconsistent	Not applicable	Comment
ECON1			×	
ECON2			×	
ECON3			×	
ECON4			×	
ECON5			×	
ECON6		×		The development does not adequately demonstrate the protection of the Wagga Wagga Airport as an important asset and it is vital that short term decision making is avoided that could ultimately prejudice the future growth and expansion of this important asset.
ECON7			×	
ECON8			×	
ECON9			×	
ECON10			×	
ECON11			×	
ECON12			×	
COM1			×	
COM2			×	
COM3			×	
COM4			×	
COM5			×	
COM6		×		The draft Planning Proposal is not supported by an appropriate Urban Design Study or at the very least, a resolved masterplan. It is therefore considered that the objectives of this Action are not met.
COM7			×	



Action	Consistent	Inconsistent	Not applicable	Comment
COM8			×	
COM9		×		The unresolved matters relating to Aboriginal Cultural Heritage, its investigation, management, and consultation do not support the objectives of this Action.
COM10			×	
COM11			×	
COM12			×	
COM13			×	

Table 7 – Summary & Recommendations – Wagga Wagga LSPS

<b>Summary of Findings</b>	<p>The Wagga Wagga LSPS was adopted on 8 February 2021 and provides a blueprint for how and where Wagga Wagga will grow into the future. It sets out Council's 20-year vision for land use planning under key themes and principles. It supersedes the Spatial Plan.</p> <p>The document emphasises the importance of the Airport as a key economic asset, with its protection being vital.</p> <p>The LSPS provides an avenue to consider future potential growth areas where they are consistent with the LSPS vision and principles.</p> <p>The LSPS discourages further creation of large lot rural lifestyle choices on existing urban fringe and states that this type of development is to be restricted to support future investigation for expansion and not prejudice future infill development opportunities.</p>
<b>Relevant Application Documentation</b>	<p>The draft Planning Proposal fails to discuss the inconsistencies identified in the table above.</p> <p>The concept plan report prepared by DFP Planning does not resolve or seek to otherwise justify any of the inconsistencies identified above.</p>
<b>Recommendation</b>	<p>The draft Planning Proposal is inconsistent with Principles 1, 2, 3, 4, 5, 6, 7, 9, 11, Action ENV1, Action ENV6, Action ENV7, Action ECON6, Action COM6 and Action COM9 of the Wagga Wagga Local Strategic Planning Statement.</p>



### 3.3. State Environmental Planning Policies (SEPPs)

The following table outlines and assesses the relevant State Environmental Planning Policies applicable to the proposal. Only SEPP's relevant to Wagga Wagga Local Government Area have been considered.

Policy	Applicable to Planning Proposal	Reasons for Consistency or Inconsistency
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>		
Chapter 2 – Vegetation in non-rural areas	Applies to part of the Wagga Wagga Local Government Area	Not applicable to the current Planning Proposal.
Chapter 3 – Koala habitat protection 2020	Applies as the subject land is located in the RU1, RU2 or RU3 zones	The Planning Proposal is consistent with this control as the Planning Proposal does not create a development outcome that intends to remove or impact any koala habitat as a result of any future development of the land.
Chapter 4 – Koala habitat protection 2021	Not applicable as the subject land is not identified as a prescribed zone within the 2021 SEPP.	Not applicable to the current Planning Proposal.
Chapter 5 – Chapter 12	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022	Applies to all land in the State.	Not applicable to the current Planning Proposal. Future dwellings (if approved) would need to have regard to this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
<b>State Environmental Planning Policy (Housing) 2021</b>		
Chapter 2 – Affordable housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Diverse housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<b>State Environmental Planning Policy (Industry and Employment) 2021</b>		

Policy	Applicable to Planning Proposal	Reasons for Consistency or Inconsistency
Chapter 2 – Western Sydney employment area	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
Chapter 3 – Advertising and signage	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<b>State Environmental Planning Policy (Planning Systems) 2021</b>		
Chapter 2 – State and Regional Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Aboriginal land	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
Chapter 4 – Concurrences and consents	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Precincts – Regional) 2021</b>		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Activation precincts	Applies to land within the Wagga Wagga Local Government Area	Not applicable to subject land.

Policy	Applicable to Planning Proposal	Reasons for Consistency or Inconsistency
Chapter 4 – 5	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Primary Production) 2021</b>		
Chapter 2 – Primary production and rural development	Applicable as the subject land (part) has been identified as state significant agricultural land on the draft SSAL Map prepared by NSW DPI.	The subject land is not listed in Schedule 1 to the SEPP therefore the provisions and application of this SEPP would not be impacted if the draft Planning Proposal was to proceed.
Chapter 3 – Central Coast plateau areas	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>		
Chapter 2 – Coastal management	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
Chapter 3 – Hazardous and offensive development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 4 – Remediation of land	Applies to all land in the State.	Not applicable as clause 6 (under SEPP 55) which required consideration of contamination as part of a rezoning proposal was repealed on 17 April 2020. These provisions were effectively transferred to a Ministerial direction under section 9.1 of the EP&A Act.
<b>State Environmental Planning Policy (Resources and Energy) 2021</b>		
Chapter 2 – Mining, petroleum production and extractive industries	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided for in the SEPP.



Policy	Applicable to Planning Proposal	Reasons for Consistency or Inconsistency
Chapter 3 – Extractive industries in Sydney area	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>		
Chapter 2 – Infrastructure	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
Chapter 3 – Educational establishments and child care facilities	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 4 – 5	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.
<b>Draft State Environmental Planning Policies</b>		
Corridor Protection SEPP	Not applicable to the Wagga Wagga Local Government Area.	Not applicable.

Table 8 – Summary & Recommendations – State Environmental Planning Policies

<b>Summary of Findings</b>	No inconsistencies with any of the State Environmental Planning Policies were identified.
<b>Relevant Application Documentation</b>	The draft Planning Proposal considers consistency with the relevant State Environmental Planning Policies.
<b>Recommendation</b>	The draft Planning Proposal adequately considers the application, operation, and consistency with the relevant State Environmental Planning Policies.

### 3.4. Section 9.1 Ministerial directions

The following section addresses the draft planning proposal's consistency with relevant section 9.1 Ministerial Directions.

The draft planning proposal is considered to be inconsistent with the following directions:

- **Direction 1.1 – Implementation of Regional Plans**

This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

A planning proposal may be inconsistent with the terms of the direction if the relevant planning authority can satisfy the Planning Secretary that;

- a) the extent of inconsistency with the Regional Plan is of minor significance, and
- b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.

In this instance as discussed in Section 1.1 above, the Planning Proposal results in a number of inconsistencies with the Murray Riverina Regional Plan 2041. It is considered that whilst some are of minor significance, as a whole result in inconsistencies that undermine the vision, strategy, goals, directions or actions of the relevant plan.

It is therefore considered that the draft Planning Proposal is inconsistent with Direction 1.1 – Implementation of Regional Plans.

- **Direction 1.2 – Not applicable**
- **Direction 1.3 – Consistent**
- **Direction 1.4 – Consistent**
- **Direction 1.4A – Not applicable**
- **Direction 1.5 – Not applicable**
- **Direction 1.6 – Not applicable**
- **Direction 1.7 – Not applicable**
- **Direction 1.8 – Not applicable**
- **Direction 1.9 – Not applicable**
- **Direction 1.10 – Not applicable**
- **Direction 1.11 – Not applicable**
- **Direction 1.12 – Not applicable**
- **Direction 1.13 – Not applicable**
- **Direction 1.14 – Not applicable**
- **Direction 1.15 – Not applicable**



- **Direction 1.16 – Not applicable**
- **Direction 1.17 – Not applicable**
- **Direction 1.18 – Not applicable**
- **Direction 1.19 – Not applicable**
- **Direction 1.20 – Not applicable**
- **Direction 1.21 – Not applicable**
- **Direction 1.22 – Not applicable**
- **Direction 3.1 – Consistent**
- **Direction 3.2 – Heritage Conservation - Inconsistent**

Aboriginal Heritage Information Management System (AHIMS) sites have been located within around the Planning Proposal land. The submitted Aboriginal Heritage Assessment stipulates that appropriate heritage assessments are required to be conducted prior to any ground disturbance works.

Council requires that the relevant Registered Aboriginal Parties are consulted early in the process at the planning proposal stage for an onsite consultation, and an Aboriginal Cultural Heritage Assessment Report (ACHAR) is prepared.

- **Direction 3.3 – Not applicable**
- **Direction 3.4 – Not applicable**
- **Direction 3.5 – Consistent**
- **Direction 3.6 – Not applicable**
- **Direction 3.7 – Not applicable**
- **Direction 3.8 – Not applicable**
- **Direction 3.9 – Not applicable**
- **Direction 3.10 – Not applicable**
- **Direction 4.1 – Flooding - Inconsistent**

The Planning Proposal is inconsistent with Direction 4.1, the draft Planning Proposal is not supported by a Flood Assessment or sufficient detail to ensure consistency or justification for inconsistency with this Direction.

- The area to the north of the site is identified as flood prone. Although the majority of this is being avoided by the proposed development, a proposed road in the Parcel A subject site is partly identified in Council's a floodplain risk management study and maps. The proposal identifies an engineering solution is required but no discussion is provided as to how this considers potential cumulative impacts.
- Consultation has occurred internally with Council officers and externally with DPE – Biodiversity and Conservation Division. This has indicated that further information is required from the proponent. Further discussion and detail is provided in Section 5.
- **Direction 4.2 – Not applicable**
- **Direction 4.3 – Planning for Bushfire Protection – Consistent, subject to consultation with the NSW Rural Fire Service.**

Direction 4.3(1) requires consultation with the Commissioner of the NSW Rural Fire Service following receipt of the a gateway determination under section 3.34 of the Act. This has not been undertaken as the draft Planning Proposal has not received a gateway determination. RFS have been preliminarily consulted, however no response was received.

The majority of the subject site is not currently identified by bushfire mapping. A portion to the north of the site is identified in yellow (vegetation buffer). The Bushfire Assessment report concluded that by implementing the recommended strategies, bushfire risk will be reduced, particularly through applying adequate APZ setbacks.

- **Direction 4.4 – Remediation of Land - Inconsistent**

Contamination of the land has been considered as part of this planning proposal and a Detailed Site Investigation (DSI) was submitted in accordance with the contaminated land planning



guidelines. It is considered that the proposal has not adequately addressed the presence of contaminants on the land, nor the potential risks to human health and the environment. The proposal has not demonstrated that the land is suitable for residential purposes with the known PFAS contamination. An auditor is required to review the DSI.

- **Direction 4.5 – Not applicable**
- **Direction 4.6 – Not applicable**
- **Direction 5.1 – Integrating Land Use and Transport – Inconsistent**

The draft Planning Proposal is considered to be inconsistent with this direction. The Planning Proposal has had no regard to Direction 5.1(1)(a) and (b).

- **Direction 5.2 – Reserving Land for Public Purposes – Consistent**
- **Direction 5.3 – Development Near Regulated Airports and Defence Airfields – Inconsistent**

In accordance with this direction, Defence, Air Services Australia, CASA and the lessee/operator of the airport have been consulted.

The proposal is inconsistent as the development proposed is incompatible with the current and future operation of the airport, as identified by the 2010 Masterplan and LSPS.

- **Direction 5.4 – Not applicable**
- **Direction 6.1 – Residential Zones – Inconsistent**

The development of the land is constrained by access to services (such as sewer), the draft Planning Proposal provides no indication or intent to include provisions to ensure satisfactory arrangements prior to the development of the land (i.e. URA provisions). If the proposal was to proceed the explanation of provisions would be required to be updated to ensure that Part 6 of the Wagga Wagga LEP applied to the site and provided surety to Council regarding arrangements for public utility infrastructure and implementation of an amended development control plan that addresses matters in Direction 6.1(1).

- **Direction 6.2 – Consistent**
- **Direction 7.1 – Employment Zones – Consistent**
- **Direction 7.2 – Not applicable**
- **Direction 7.3 – Not applicable**
- **Direction 8.1 – Not applicable**
- **Direction 9.1 – Rural Zones – Inconsistent**

The draft Planning Proposal is considered inconsistent with Direction 9.1(1)(a) as it proposed to rezone land from rural to residential and employment zones.

The draft Planning Proposal does not provide any justification for the inconsistency. The commentary provided does not address the relevant matters of the direction.

- **Direction 9.2 – Rural Lands – Inconsistent**

The draft Planning Proposal is not considered to be consistent with Direction 9.2(1)(a), (b), (c), (d), (e), (f), (g) and (i) and Direction 9.2(2) for the reasons set out below;

- The draft Planning Proposal is not consistent with the Regional Plan and LSPS.
- The draft Planning Proposal does not consider the significance of agricultural and primary production to the State and rural communities.
- The draft Planning Proposal does not adequately identify and protect environmental values including considering impact and the ability to maintain biodiversity, native vegetation, cultural heritage or water resources.
- The draft Planning Proposal and submitted concept plan attempts to consider the natural and physical constraints of the site, but contains an absence of critical assessment relation to matters such as contamination and biodiversity.
- The draft Planning Proposal does not consider 'right to farm' matters and risk of land-use conflicts.



- The draft Planning Proposal for the reasons above and as discussed elsewhere does not meet or consider the social, economic and environmental interests of the community.
- **Direction 9.3 – Not applicable**
- **Direction 9.4 – Not applicable**

Table 9 – Summary & Recommendations – 9.1 Ministerial Directions

<b>Summary of Findings</b>	Given the number of inconsistencies it is considered that the draft Planning Proposal does not meet the intent of the Ministerial Directions under Section 9.1(2) of the EP&A Act and should not be supported in its current form.
<b>Relevant Application Documentation</b>	The draft Planning Proposal provides an assessment of the relevant section 9.1 Ministerial Directions (as of May 2022). The justification provided by the applicant is considered to be unsatisfactory and does not provide suitable evidence as to why Council should support or consider such inconsistencies.
<b>Recommendation</b>	The draft Planning Proposal is inconsistent with Direction 1.1, Direction 3.3, Direction 4.1, Direction 4.4, Direction 5.1, Direction 5.3, Direction 6.1, Direction 9.1 and Direction 9.2 as set out under Section 9.1(2) (Ministerial Directions) of the EP&A Act.

### 3.5. Wagga Wagga Community Strategic Plan

The following tables outline and assess the relevant aspects of the *Wagga Wagga Community Strategic Plan (CSP)* applicable to the proposal.

Table 10 – Wagga Wagga CSP Assessment

<b>Direction</b>	<b>Compliance</b>
Objective: Wagga Wagga has strong community leadership and a shared vision for the future	<b>N/A</b>
Objective: Our community is informed and actively engaged in decision making and problem-solving to shape the future of Wagga Wagga	<b>Consistent</b> The draft Planning Proposal is subject to mandatory public participation in accordance with the EP&A Act and Council's Community Participation Plan.
Objective: Wagga Wagga City Council leads through engaged civic governance and is recognised and distinguished by its ethical decision-making, efficient management, innovation and quality customer service	<b>Consistent</b> The draft Planning Proposal is to be reported to Council for determination.
Objective: Our community feel safe	<b>N/A</b>



Direction	Compliance
Objective: Our community embraces healthier lifestyle choices and practices	<b>Consistent</b> The draft Planning Proposal considered linkages with Council's Active Travel Plan.
Objective: Our community has access to health and support services that cater for all of our needs	<b>Consistent</b> The proposal would not prejudice access to health and support services.
Objective: Wagga Wagga is a thriving, innovative and connected regional capital city	<b>Consistent</b> The proposal would not prejudice the intent or implementation of this objective.
Objective: Wagga Wagga is an attractive location for people to live, work and invest	<b>Consistent</b> The proposal would not prejudice the intent or implementation of this objective.
Objective: Wagga Wagga is an attractive tourist destination	<b>N/A</b>
Objective: Wagga Wagga is a centre for education and training	<b>N/A</b>
Objective: Wagga Wagga is a hub for activity	<b>N/A</b>
Objective: Our community are proud of where we live and our identity	<b>Inconsistent</b> This matter considers (amongst others); <ul style="list-style-type: none"> <li>- support ongoing growth and investment of the Defense bases located in Wagga Wagga,</li> <li>- Support and acknowledge the importance of Wiradjuri and First Nations people, culture, and place in our community</li> </ul> The draft Planning Proposal does not adequately address how these matters are considered appropriately. The draft Planning Proposal does not provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) or a draft BDAR. Furthermore, there is limited discussion or justification regarding the future protection of the Wagga Airport and Defense operations and its ability to grow.
Objective: Our community feel welcome, included and connected	<b>N/A</b>
Objective: Future growth and development of Wagga Wagga is planned for in a sustainable manner	<b>Inconsistent</b> As demonstrated throughout this report, the draft Planning Proposal does not demonstrate that the development is planning for in a sustainable manner. Further strategic work is required to ensure that this objective can be met in the future





Direction	Compliance
	should the proponent seek to undertake future Planning Proposal's for the site.
Objective: Our natural areas are protected and enhanced	<b>Inconsistent</b> As demonstrated throughout this report, the draft Planning Proposal does not demonstrate that the development protects or enhances our natural areas. Further detail and consideration is required to ensure that this objective can be met in the future should the proponent seek to undertake future Planning Proposal's for the site.
Objective: Our built environment is functional, attractive and health promoting	<b>Inconsistent</b> The draft Planning Proposal is generally inconsistent with this objective.
Objective: Wagga Wagga is sustainable, liveable, and resilient to the impacts of climate change	<b>Inconsistent</b> The draft Planning Proposal is generally inconsistent with this objective.

Table 11 – Summary & Recommendations – Wagga Wagga CSP

<b>Summary of Findings</b>	Refer to discussion above.
<b>Relevant Application Documentation</b>	Draft Planning Proposal addresses the Wagga Wagga Community Strategic Plan and provides generic responses to each matter.
<b>Recommendation</b>	The draft Planning Proposal is inconsistent with a number of objectives within the Wagga Wagga Community Strategic Plan 2040.

### 3.6. Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040

The Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040 (WWITS) establishes a strategic direction to cater for a growing economy and population in a climate where technology and the environment are changing at a rapid rate.

The draft Planning Proposal is generally consistent with the WWITS, however is inconsistent with Direction PT1.7 which states;

#### **PT1.7 Public Transport**

*Develop and implement Regional Airport Master Plan, investigate the surrounding road network and protect the flight path from the impact of future residential development.*

The strategy also states that *'for the future development of the city and the region, to ensure that long term protection is provided for the air flight path and rail corridors against incompatible development.'*



Table 12 – Summary & Recommendations – WWITS

<b>Summary of Findings</b>	As per discussion above.
<b>Relevant Application Documentation</b>	<ul style="list-style-type: none"> <li>- Draft Planning Proposal</li> <li>- Transport Assessment</li> </ul>
<b>Recommendation</b>	The draft Planning Proposal is inconsistent with Direction PT1.7 of the Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040 and should not be supported.

### 3.7. Wagga Wagga Airport Master Plan

The Wagga Wagga Airport Master Plan was prepared to understand the required infrastructure to support the long-term growth and development of the Airport until 2030 and beyond. Additionally, the master plan also considers the development of the area surrounding the existing airport and future precincts and supporting functions of the wider area. The objectives of the Masterplan included:

- Prioritise the core functions of Wagga Wagga Airport,
- Create a strategic framework to detail and facilitate future planned growth and development of the Airport whilst accounting for existing infrastructure,
- Take an integrated approach to aviation, land and commercial development, environmental management and surface transportation,
- Provide airport stakeholders a planning context for use in their own planning processes,
- Develop a strategy to enable the continued safe operation of the airport in a financially responsible and feasible manner,
- Identify commercially profitable revenue generating activities at the Airport including opportunities to develop a cluster of aviation based commercial activities; and
- Reflect the economic strengths and opportunities of Wagga Wagga relevant to industry and business.

Importantly, the Airport Master Plan establishes the strategic vision to establish Wagga Wagga as 'a world-class aviation education and training city' and our Airport as 'A Centre of National Aviation Significance'. This strategic vision capitalises on and is driving the further development of several related initiatives that are likely to enhance and further define this vision in the near-term. In the medium term, however, this strategic direction can be expected to lead to a significantly increased level of flying and other aviation training activity at Wagga Wagga Airport.

The Master Plan specifically states that land-use and development within the airport and in the surrounding areas must be controlled to ensure the safety, operational efficiency and long-term expansion of the airport are not compromised.

#### 3.7.1. ANEF System

The principal means of assessment of potential aircraft noise exposure at a given site in Australia is based on the Australian Noise Exposure forecast (ANEF) system. The ANEF combines the effects of the intensity, duration and number of noise events as well as incorporating a penalty for events at night which is illustrated by contours.

The ANEF is intended to be used to guide the long-term decisions of land-use planners about types of compatible development in areas that may be subject to significant levels of aircraft noise in the future. Additionally, the ANEF system is the basis of *Australian Standard AS 2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction (AS2021-2000)* which provides guidance on the protection of new buildings against aircraft noise intrusion and on the



acoustical adequacy of existing buildings in areas near aerodromes. Although the ANEF system is considered suitable for land-use planning purposes it is not without its limitations.

Additionally, the ANEF is a complex metric which combines the effects of loudness, duration and frequency of noise events to develop a measure of the cumulative noise dose and does not illustrate the noise from a specific noise event which is what the non-expert can readily relate to.

**Analysis of the ANEF is undertaken in section 3.8.3 of this report.**

### **3.7.2. Other Noise Metrics**

The Australian Government has published several documents aimed to improve 'aircraft noise disclosure' and avoid 'surprise noise' which is usually associated with people believing that they have either been given misleading information or have had important information withheld from them. These documents include:

- Discussion Paper - Expanding Ways to Describe and Assess Aircraft Noise,
- Discussion Paper - Going Beyond Noise Contours, Local Approaches to Land Use Planning around Smaller Australian Airports; and
- Guidance Material for Selecting and Providing Aircraft Noise Information.

The latter document recommends airports such as Wagga Wagga Airport also utilise additional noise metrics such as 'Number Above' contours which illustrate the average number of events per day louder than a certain sound level.

**Analysis of the Noise Above Contours is undertaken in section 3.8.4 of this report.**

### **3.7.3. Airport Development and Growth**

The Wagga Wagga Airport Masterplan considers various growth scenarios. It is noted that noise modelling in the Master Plan involved an ultimate capacity scenario with full infrastructure development. This is underpinned by the need for limited airspace to be shared across various airspace users.

The Airport Masterplan is largely silent on future residential development around the airport. Although no exclusion zones for sensitive development are identified, noise contours are generated (ANEF, ANEC, ANEI and Number Above Contours). Additionally, the Masterplan clearly demonstrates the need to retain and protect surrounding land from inappropriate development that would prejudice the ultimate outcome envisioned by the Master Plan.

The purpose of the noise contours is to establish locations of unacceptable levels of noise around the airport. Further analysis of the noise contours provided in the master plan were revised and updated in 2022 but are conceptual and not formally adopted as the official ANEF contours. This has been discussed in later sections of this report.

The Airport Masterplan identifies part of proposed Parcel B as an 'education and research precinct' and identifies it as a 'business' area, extracts of the masterplan are provided below:

*"Precinct 3: Education & Research (94 ha)*

*These synergistic activities of education, research, professional development, conventions, hospitality and sport can be co-located in and around Precinct 3, which offers synergies with the aviation support and training activities of Precinct 2. The location, juxtaposed between the developing high-tech airport and rural land offers a range of synergies with aviation training of all kinds and Wagga's more traditional agricultural skills base (pg xvii).*

#### **9.4.3 PRECINCT 3: EDUCATION & RESEARCH**

*These synergistic activities of education, research, professional development, conventions, hospitality and sport can be co-located in and around Precinct 3. With adequate sound proofing and planning for future noise and visual disturbances, this complex can host regional and national conferences, teach Australian and international students who want to study close to the capital cities of Melbourne, Sydney and Canberra for weekend and vacation trips, and help support the local hospitality and travel industry. The location,*



*juxtaposed between the developing high-tech airport and rural land offers a range of synergies with aviation training of all kinds and Wagga's more traditional agricultural skills base (pg 77).*

*Alternative areas of the airport masterplan are identified as future industrial, commercial and business land (Precincts 1, 2b, 4 and 6)."*

### **3.7.4. Analysis**

The proposed zoning and layout as shown in the draft Planning Proposal and Concept Plan Report of Parcel B does not align with the identified 'education and research' precinct status. Additionally, the proposal does not highlight the potential for the site to complement the airport uses as set out in the Master Plan. It is understood that Council is investigating options for future strategic land use planning but until such time as this is undertaken, the 2010 Master Plan is considered the relevant land-use planning document for considering future uses and growth in land adjoining the Master Plan.

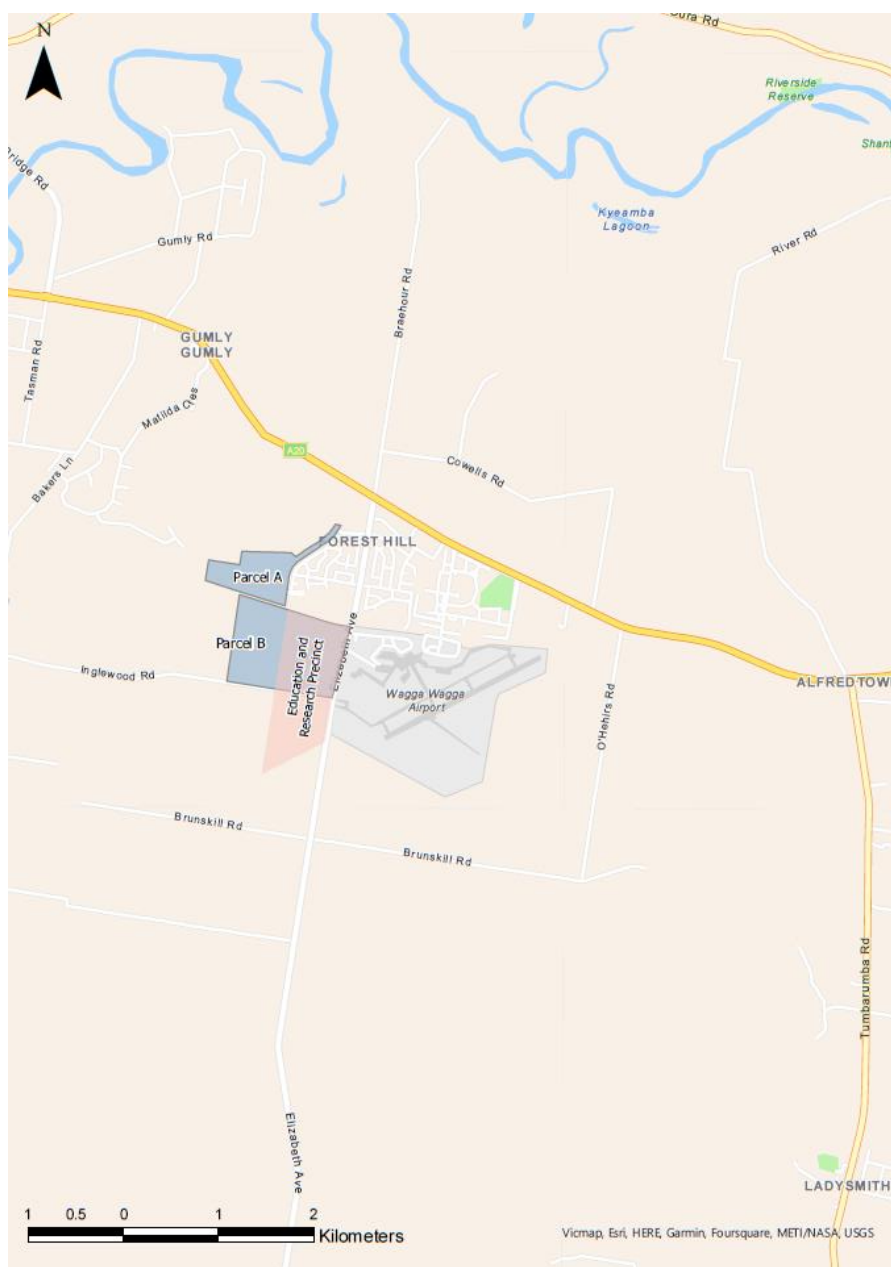


Figure 6 – Illustration showing Education and Research Precinct



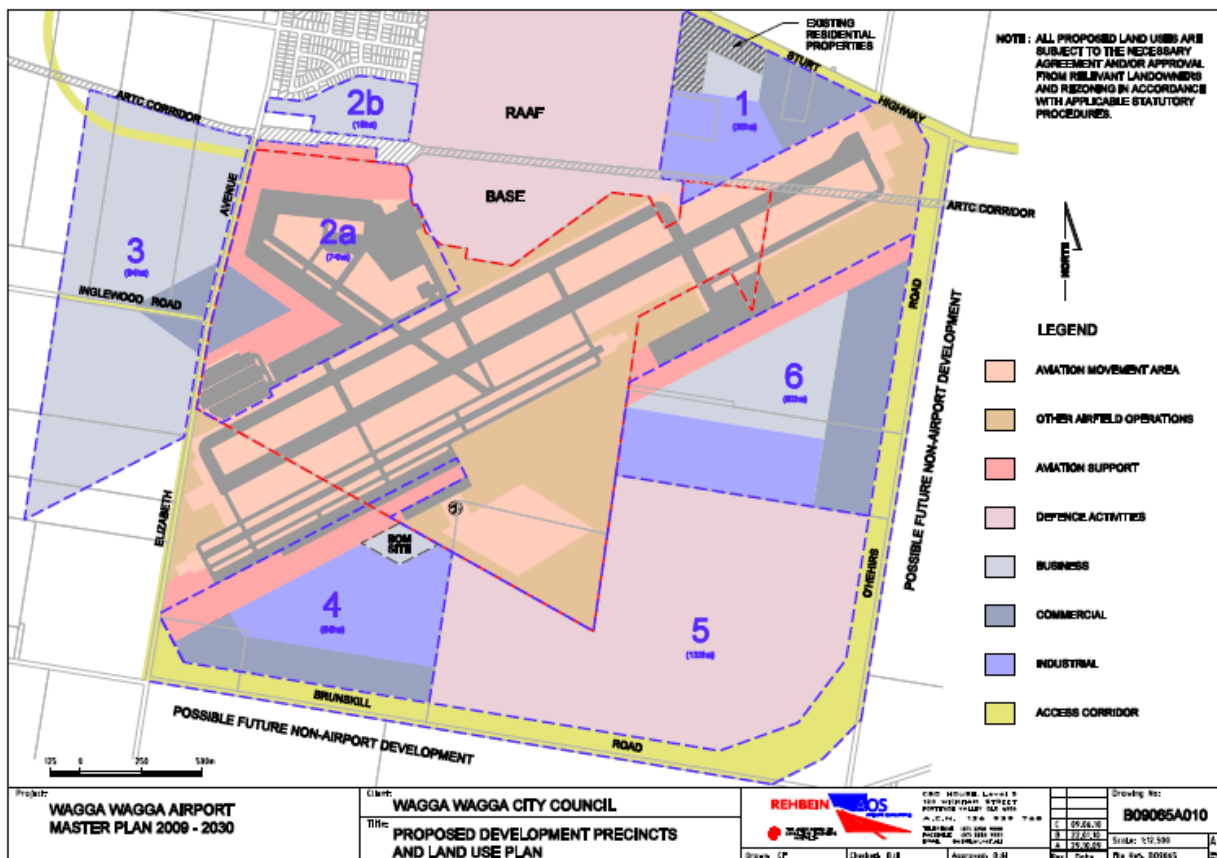


Figure 7 – Appendix B Drawings – Proposed Development Precincts and Land Use Plan

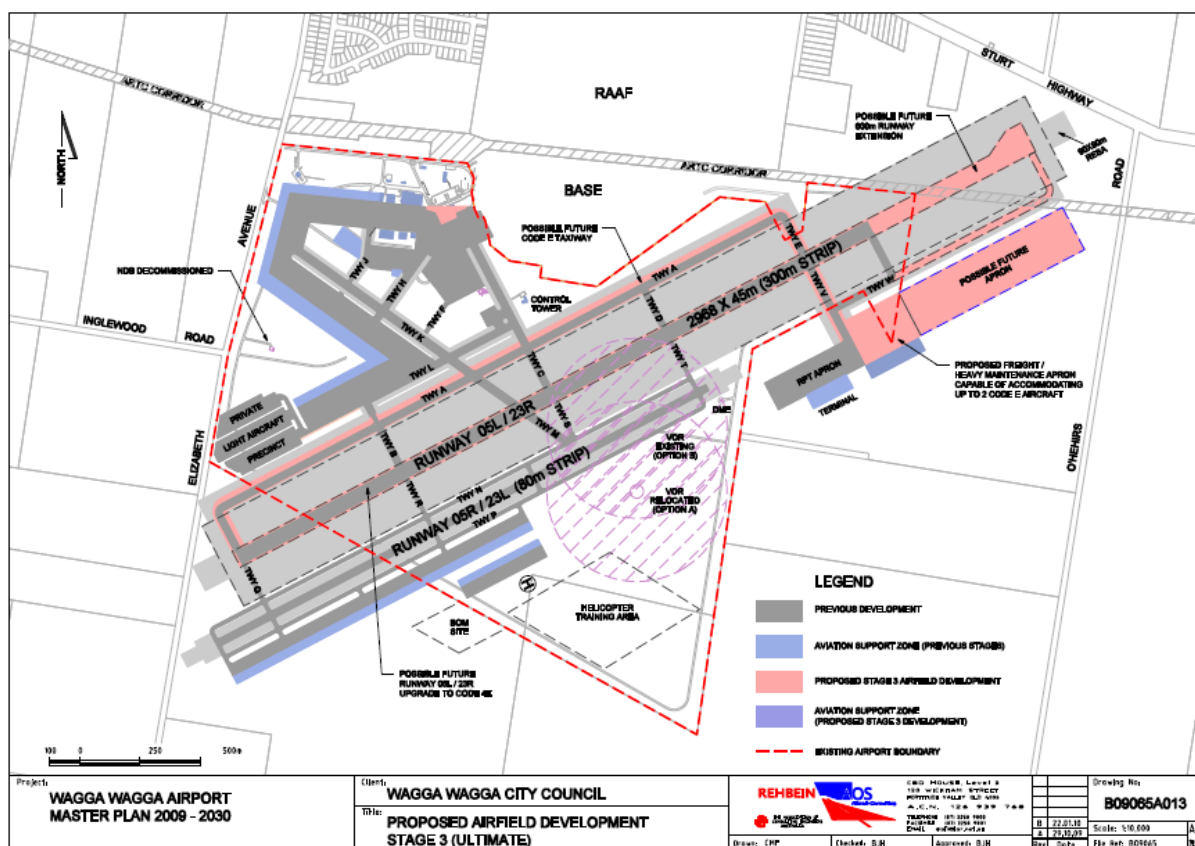


Figure 8 – Extract from Airport Masterplan 2010- proposed ultimate runway layout





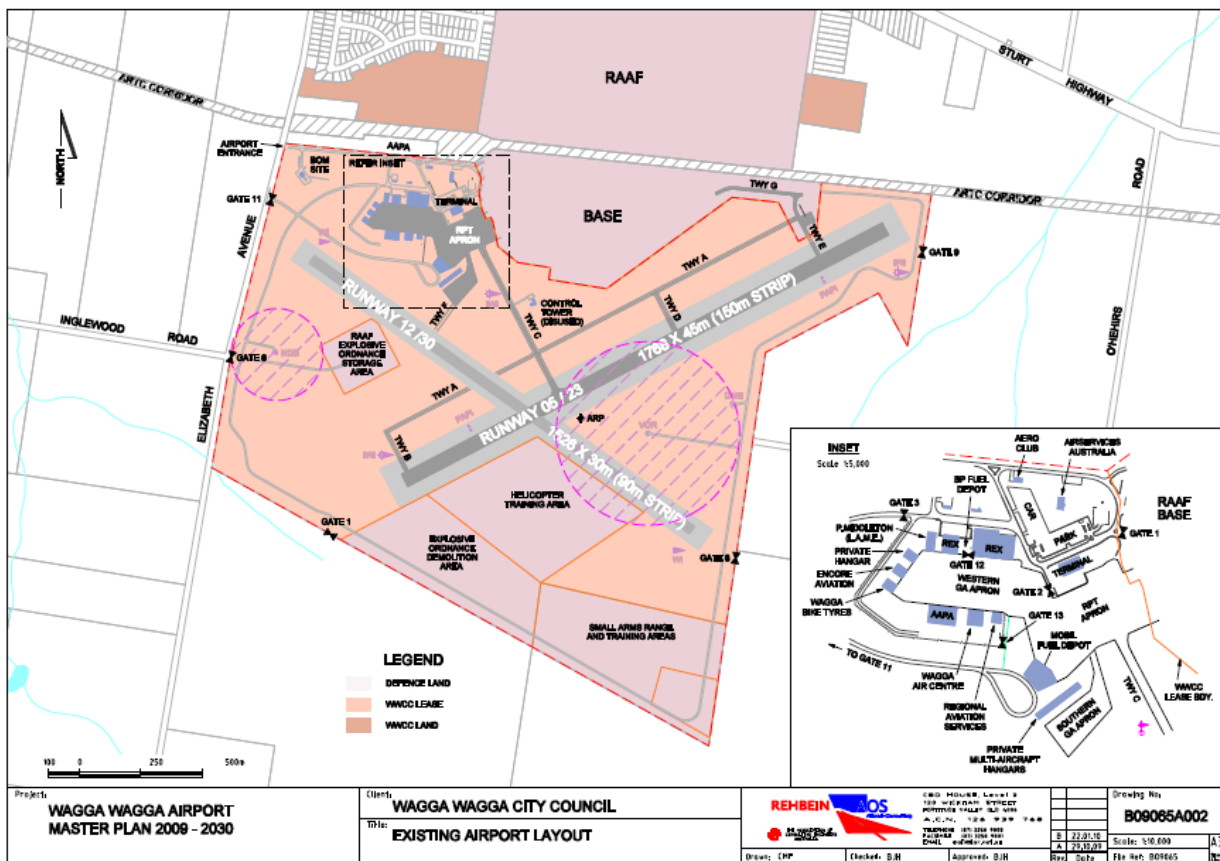


Figure 9 – Extract from Airport Masterplan 2010- existing runway layout

### 3.8. Wagga Wagga Airport – Noise & Land-use

This section discusses a range of matters relating to the Wagga Airport (with reference to the Airport Master Plan where relevant) including the:

- National Airports Safeguarding Standard
- Revised Noise Modelling – Wagga Wagga Airport Aircraft Noise Modelling Review
- Australian Noise Exposure Forecast (state legislated).
- Number Above Contours (National guidance metric).

Within these topics, the “Wagga Wagga Airport Aircraft Noise Modelling Review” prepared by REHBEIN Airport Consulting (the REHBEIN Report) has been discussed. This report was prepared to inform updated aircraft noise modelling and development of an Australian Noise Exposure Concept (ANEC) with associated N-above contours. The objective of the modelling was to determine whether the current Australian Noise Exposure Forecast (ANEF) mapping developed for the Wagga Wagga Airport Master Plan 2010 (MP2010) remained appropriate, pending a full update of the Master Plan for which the timing is not currently known.

Council also received legal advice on this matter which is dated 20 September 2022.

#### 3.8.1. National Airports Safeguarding Framework (NASF)

The *National Airports Safeguarding Framework*, Supplementary Aircraft Noise Metrics states ANEF is a measure of the aircraft noise exposure levels around aerodromes. It is based on average daily sound pressure levels, which are measured in decibels, and takes into account a variety of factors. This metric has its limitations. An additional metric is the Number Above contours, which represent the average number of times in a 24 hour period that exceed a nominated decibel level. The metric remains national level guidance unlike the state legislated ANEF metric.





The *National Airports Safeguarding Framework* provides guidance on planning requirements for development that affects aviation operations. This includes building activity around airports that might penetrate operational airspace and/or affect navigational procedures for aircraft.

The following guidance for rezoning of greenfield areas<sup>1</sup> to permit noise sensitive uses was considered in the assessment of the Planning Proposal:

- i. *no new designations or zoning changes that would provide for noise sensitive developments within a 20 ANEF where that land was previously rural or for non-urban purposes (in keeping with AS2021).*
- ii. *Zoning for noise-sensitive development be avoided where ultimate capacity or long-range noise modelling for the airport indicates either:*
  - a. *20 or more daily events greater than 70 dB(A);*
  - b. *50 or more daily events of greater than 65 dB(A); or*
  - c. *100 events or more daily events of greater than 60 dB(A).*
- iii. *Zoning for noise-sensitive development should take into account likely night-time movements and their impact on residents' sleeping patterns. For example, where there are more than 6 events predicted between the hours of 11pm to 6am which create a 60 dB(A) or greater noise impact, measures for aircraft noise amelioration and restriction on noise sensitive development may be appropriate. [sic].*

The *National Airports Safeguarding Standard Framework Guideline* recognises the merits of utilising a range of noise measures and tools to inform strategic planning. It also recognises that is not desirable to unnecessarily restrict land uses close to airports. As part of the decision making belongs to the public in determining what is an acceptable level of aircraft noise in their circumstances. However, this argument is flawed as any consultation undertaken during a planning proposal stage would not necessarily consult with the future residents who might reside in that new community. Council can assist by making information available to the public, however this is limited as mentioned above. It specifies any consideration around development needs to balance public interest.

### **3.8.2. Revised Noise Modelling – Wagga Wagga Airport Aircraft Noise Modelling Review**

REHBEIN Airport Consulting was engaged by Wagga Wagga City Council (Council) to undertake aircraft noise modelling and development of an Australian Noise Exposure Concept (ANEC) with associated N-above contours. The objective of the modelling was to determine whether the current Australian Noise Exposure Forecast (ANEF) mapping developed for the Wagga Wagga Airport Master Plan 2010 (MP2010) remains appropriate, pending a full update of the Master Plan for which the timing is not currently known.

In discussing the findings of this report it should be noted that the Wagga Wagga Airport Masterplan Ultimate Capacity ANEF is termed an 'ANEF' because it has been endorsed by Airservices Australia for technical accuracy. Only one ANEF chart can be endorsed at any time. In the study undertaken by REHBEIN the corresponding estimated noise contours are termed an Australian Noise Exposure Concept ('ANEC') because they have not been endorsed by Airservices to become an ANEF.

As the Masterplan and noise contours required updating, REHBEIN Airport Consulting provided Council with updated modelling to determine if the existing modelling remained appropriate. This involved using current aircraft movements, runway usage, airport capacity, distribution of aircraft types, illustration of flight paths, and technical report with assumptions, to compare with the existing Masterplan and the assumptions outlined in that plan. Modelling involves an ultimate capacity scenario, where the use of the airspace is not unlimited and needs to be shared across

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<sup>1</sup> Guideline A: Measures for Managing Impacts of Aircraft Noise, pg 3.



various airspace users. The Airport Masterplan addressed noise to a fully developed infrastructure scenario. The review considered the existing runway, and two runway extension scenarios.

The noise modelling review specifies that since the Wagga Wagga Airport 2010 Ultimate Capacity ANEF was prepared, AS2021 was updated (in 2015) and now recognises that the 20 ANEF and 25 ANEF zones do not capture all high noise affected areas around an airport, and the ANEF contours are not necessarily an indicator of the full spread of noise impacts.

### **3.8.3. Australian Noise Exposure Forecast**

The principal means of assessment of potential aircraft noise exposure at a given site in Australia is based on the Australian Noise Exposure Forecast (ANEF) system. The ANEF system was developed in the early 1980s based on a social survey of the reaction of people around several Australian airports to noise from aircraft. The ANEF combines the effects of the intensity, duration and number of noise events as well as incorporating a penalty for events at night which is illustrated by contours<sup>2</sup>.

ANEF contours have limitations such as lacking consideration of variations to flight paths, pilot operating techniques, meteorological and terrain conditions on noise propagation and limited recognition of nighttime aircraft noise<sup>3</sup>.

The REHBEIN review has involved modelling ANECs to estimate endorsed ANEF contours, and Number Above Contours (this concept is discussed further in the following section). There is little change to the ANEF 20 contour with the exception being an area to the west of Elizabeth Avenue, affecting Parcel B (see Figure 11 below).

Three additional scenarios are considered for runway development. These do not include a parallel runway and only consider the existing Runway 05/23 infrastructure and the possible extensions to the existing runway envisaged in the MP2010. The scenarios are:

- **ANEC1** – Retention of the existing Runway 05/23 extent only, and no development of parallel runway,
- **ANEC2** – Extension of the existing Runway 05/23 to the north-east, to the extent envisaged in the MP2010, and no parallel runway, and
- **ANEC3** – Extension of the existing Runway 05/23 to the south-west, to the extent envisaged in the MP2010, and no parallel runway.

These scenarios are also considered, in combination, to encompass the noise footprint associated with the aircraft movement forecasts discussed below, operating from Runway 05/23 extended in both directions.

None of the scenarios in this review include a parallel runway.

Importantly, the REHBEIN report notes that the MP2010 ANEF scenario is not included in this review. However, it should be noted that scenario remains a possible outcome and the land uses should continue to be protected until the ANEF is revised at some point (in conjunction with a Master Plan update).

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<sup>2</sup> Airport Masterplan 2010, pg. 61

<sup>3</sup> Supplementary Aircraft Noise Metrics NASF





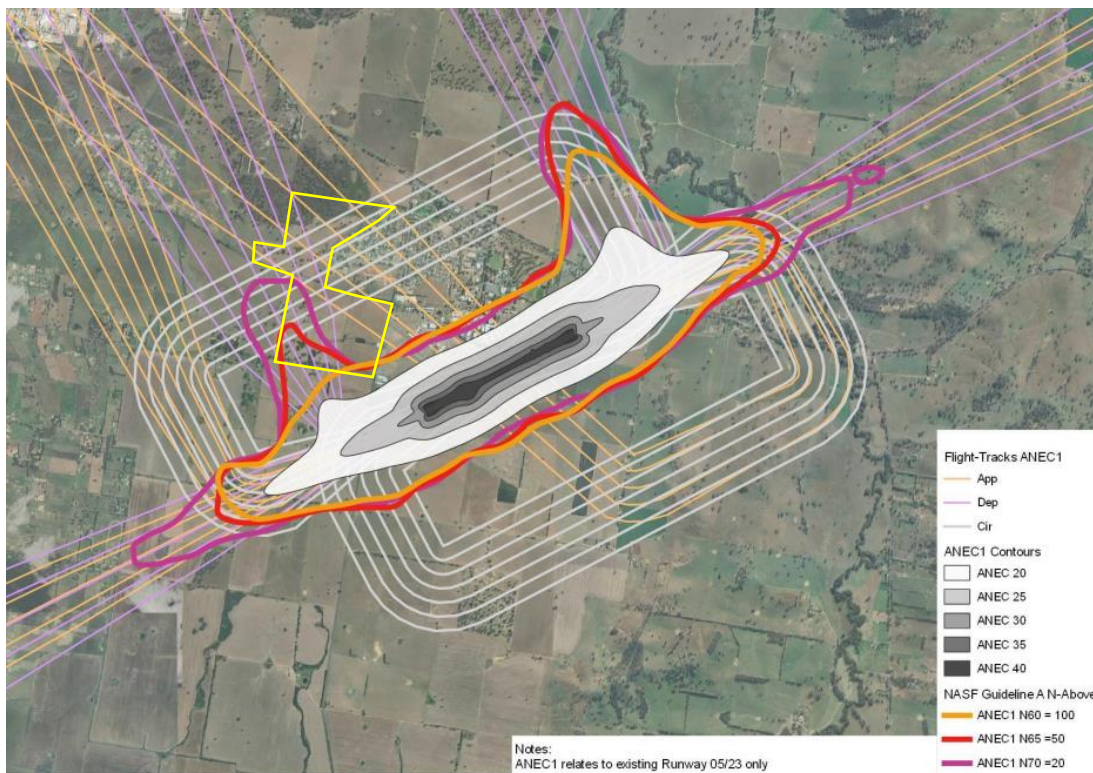


Figure 10 - Illustration of Revised ANEC-1 contours (yellow indicates approximate location of proposed rezoning)

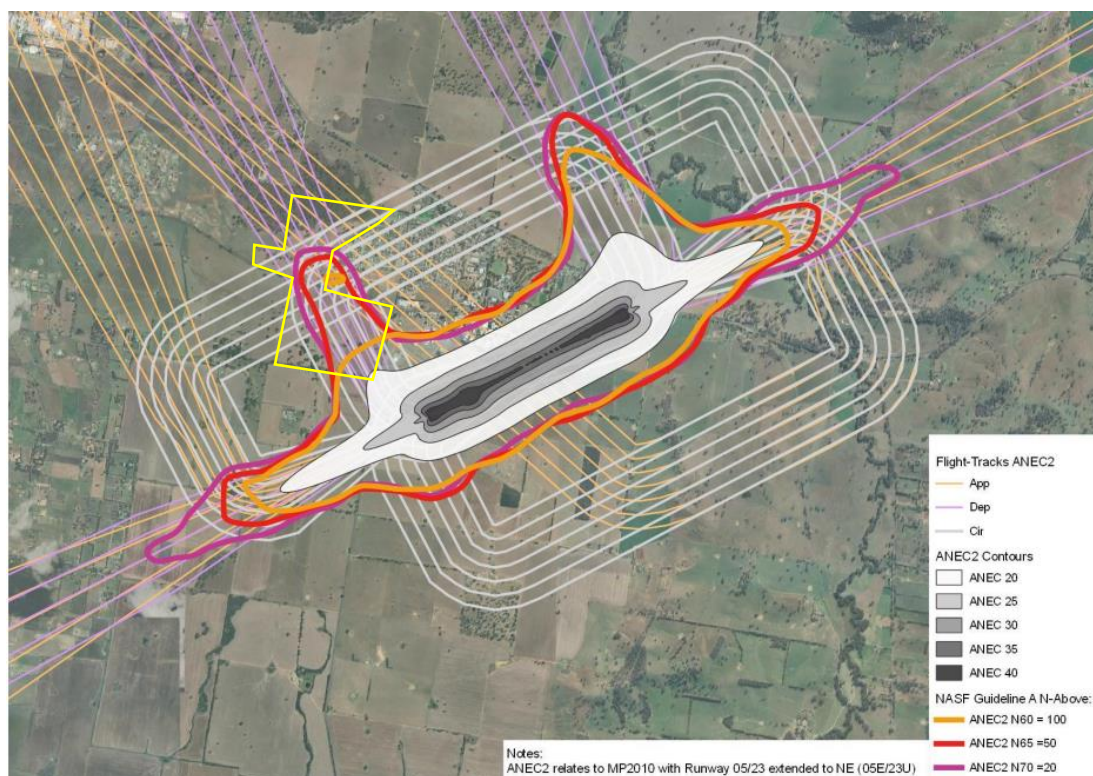


Figure 11 - Illustration of Revised ANEC-2 contours (yellow indicates approximate location of proposed rezoning)





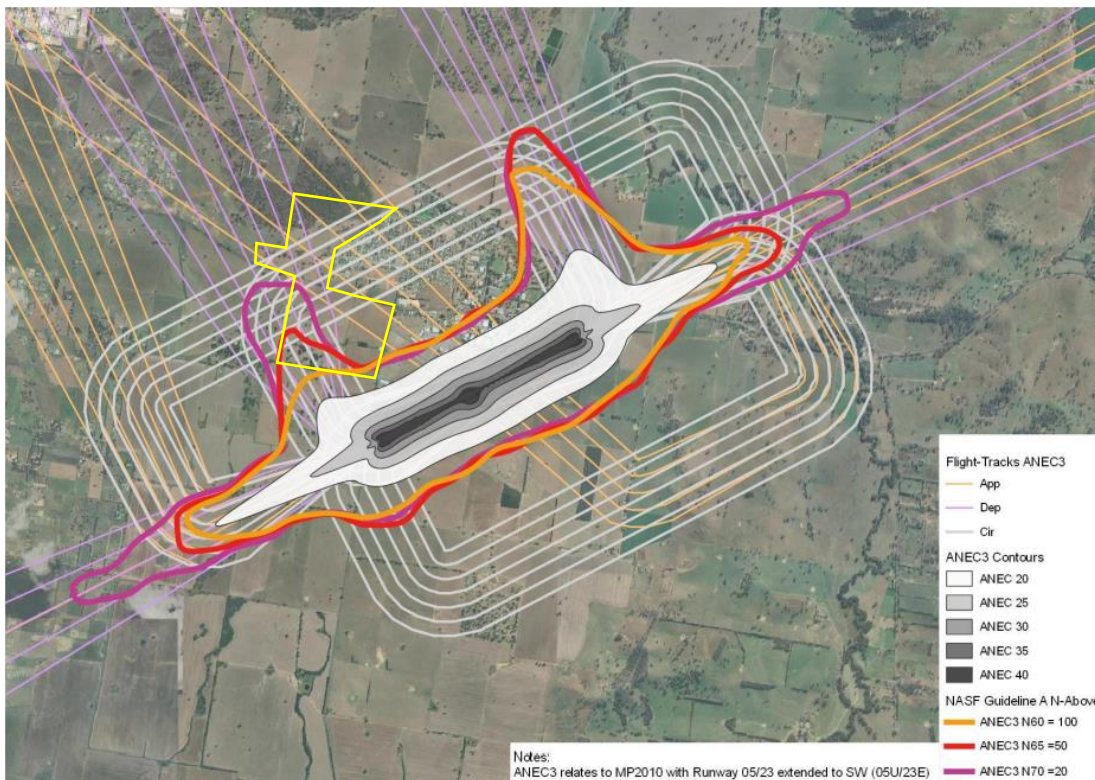


Figure 12 - Illustration of Revised ANEC-3 contours (yellow indicates approximate location of proposed rezoning)

#### 3.8.4. Number Above Contours

Consideration of alternative measures to the ANEF is also relevant. This is supported by the *National Airports Safeguarding Framework Guideline (NASF)*. The NASF recommends when rezoning greenfield areas that zoning be avoided where ultimate capacity or long-range noise modelling for the airport indicates:

- 100 events at N60,
- 50 events at N65,
- 20 events at N70, or,
- 6 or more events of greater than 60db between 11pm and 6am.

The REHBEIN reports notes “that there is a need for land use planners to take a balanced view of land use planning decisions that recognises aircraft noise does not suddenly stop at a line on a map, no matter how that line has been derived”<sup>4</sup>. Furthermore, the report goes on to state: “The question of how many people should be subject to disturbing levels of aircraft noise through land use planning decisions clearly requires subjective judgements from land use planners as to what is an acceptable number of people expected to experience negative effects of aircraft noise, balanced against other relevant considerations.”<sup>5</sup>

“NASAG recognises the valuable role the ANEF plays in assisting land use planners to form an assessment of aircraft noise impacts. But it has long been recognised, including in AS 2021 itself, that the system fails to deal with certain scenarios, particularly the increased sensitivities that residents are likely to experience when newly exposed to aircraft noise”<sup>6</sup>

The Number Above Contours are more informative for the reality of people exposed to noise. They are a measure of the average number of instances per day where a person is exposed a level of noise greater than a specified decibel level. It is considered that 70db(A) is the noise level at which

<sup>4</sup> REHBEIN, pg. 12

<sup>5</sup> REHBEIN, pg. 4

<sup>6</sup> REHBEIN, pg. 12



conversation is disturbed with the windows open, 60db(A) a louder than a certain sound level indoor<sup>7</sup>. Figure 16 below shows a number of other typical daily activities are likely to exceed these noise levels several times per day. It is also noted that this is a similar instance to what would occur when several hundred trucks and other vehicles travelling on the Sturt Highway on a daily basis are also capable of producing noise in excess of 70 dB(A) which would affect residents whose property is adjacent to the road<sup>8</sup>. Noise can be a potential health risk for people living in the vicinity of airports (NASF Principles) and Council needs to be certain that any future development adjacent to the airport will not result in adverse outcomes.

*Table 13 – Summary of Outcomes of REHBEIN 'Number Above' Review*

<b>Scenario</b>	<b>Figure Reference</b>	<b>Standard</b>	<b>Consistent</b>	<b>Inconsistent</b>
ANEC-1 (REHBEIN Review)	Figure 13	N60 = 100, N65 = 50, N70=20		
ANEC-2 (REHBEIN Review)	Figure 14	N60 = 100, N65 = 50, N70=20		
ANEC-3 (REHBEIN Review)	Figure 15	N60 = 100, N65 = 50, N70=20		

*Note: Assessment is based on recommendations set out in the NASF discussed in Section 3.8.1 above.*

<sup>7</sup> Wagga Wagga Airport Masterplan, 2010.

<sup>8</sup> Wagga Wagga Airport Masterplan, 2010, pg. 67.



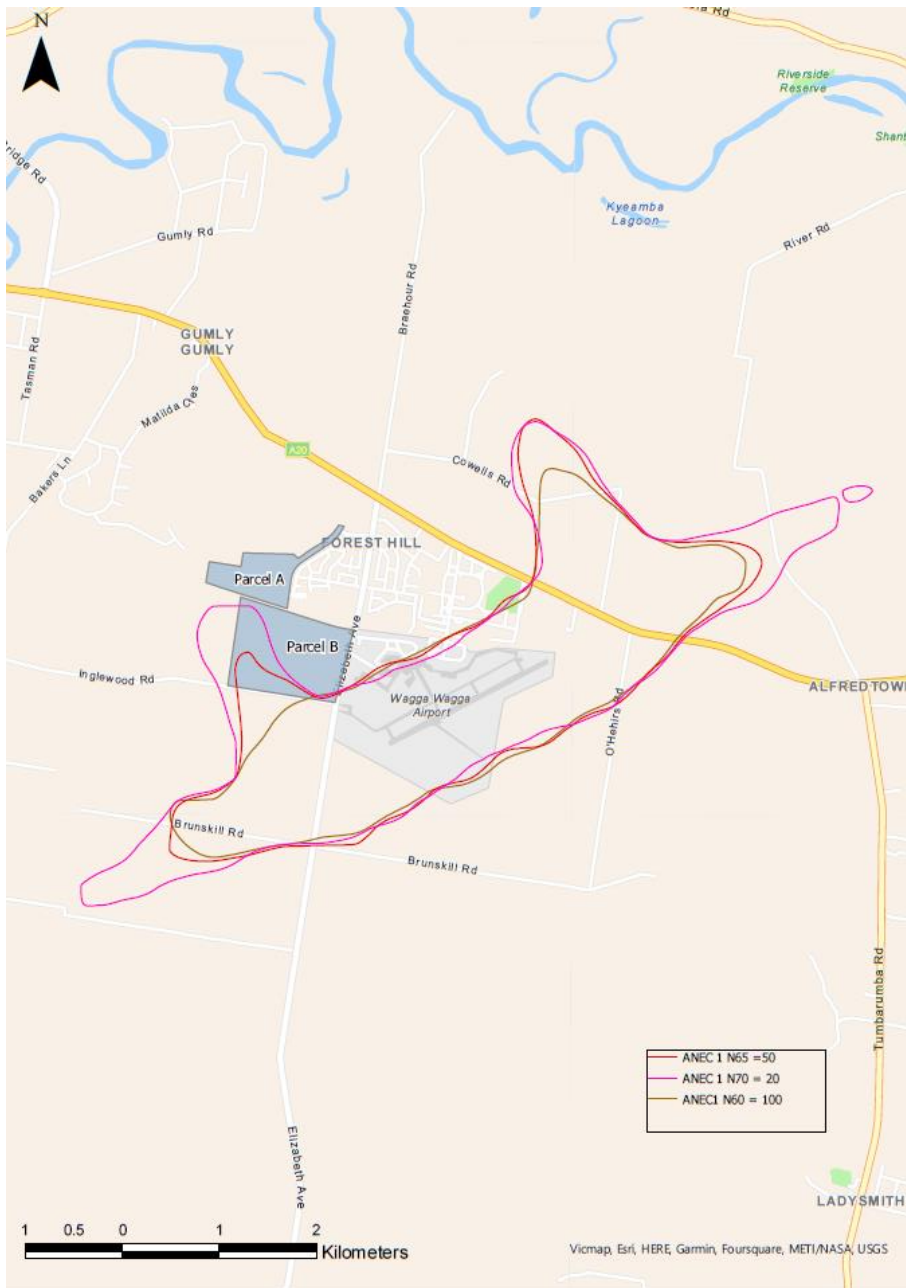


Figure 13 – Illustration of revised ANEC 1 contours (existing runway) (Source: REHBEIN Report)





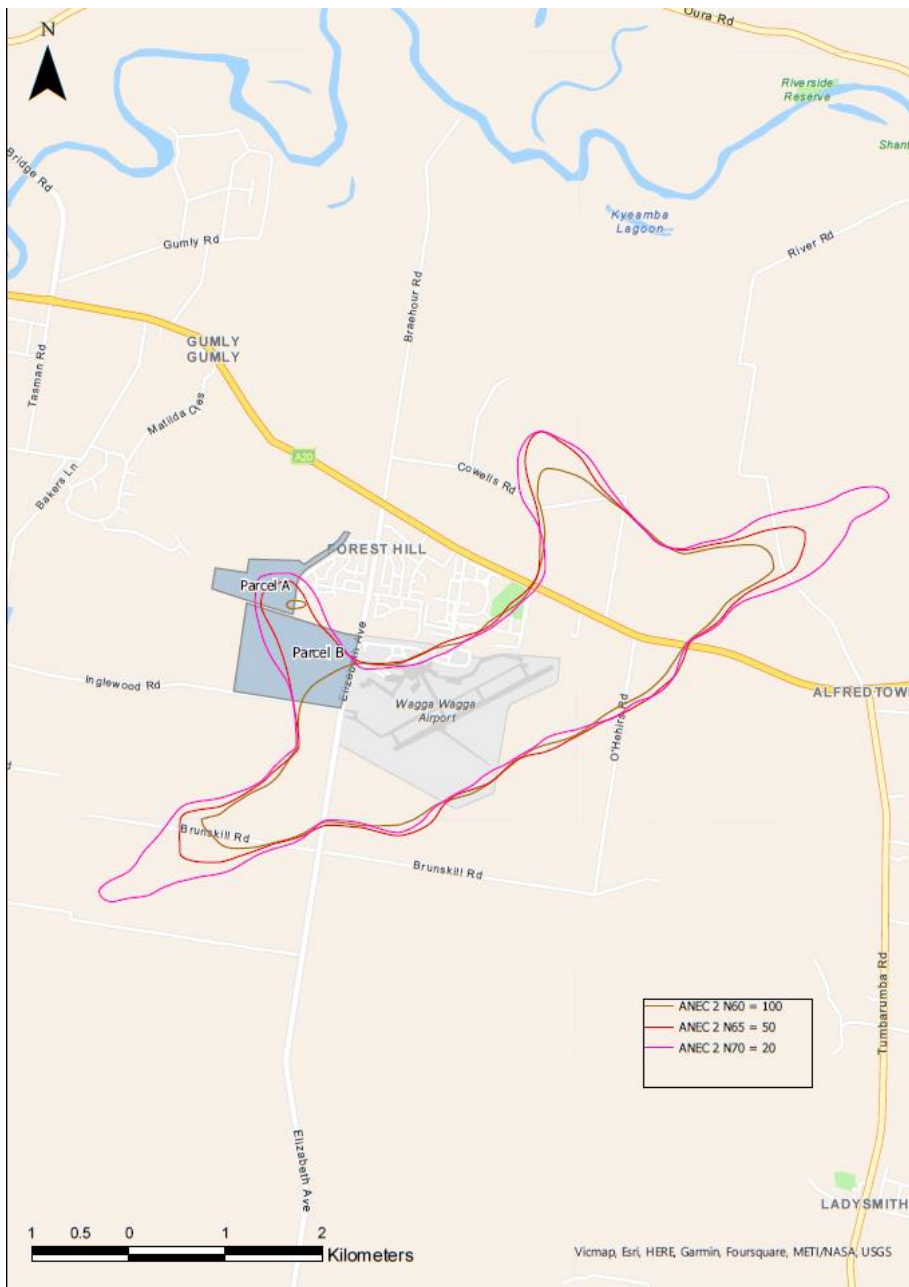


Figure 14 – Illustration of revised ANEC 2 contours (extension of runway to north east) (Source: REHBEIN Report)





Figure 15 – Illustration of revised ANEC 3 contours (extension of runway to south west) (Source: REHBEIN Report)

Activity	Typical Noise Level dB(A)
Quiet Room	30
Rainfall	50
Conversation at 2m	60
Washing Machine	65 – 70
Inside Car, Windows Closed, 50km/h	68 – 73
Main Road	70
Vacuum Cleaner	85 – 90
Very Loud Rock Music	120

Figure 16 – Typical Noise Levels, extracted from Wagga Wagga Airport Masterplan 2010



Table 14 – Summary & Recommendations – Wagga Wagga Airport

<b>Summary of Findings</b>	Refer to discussion above.
<b>Relevant Application Documentation</b>	Draft Planning Proposal, supporting technical studies prepared by WWCC including the REHBEIN report.
<b>Recommendation</b>	The draft Planning Proposal has not satisfactorily addressed matters regarding the potential impacts on or from the Wagga Wagga Airport.

### 3.9. Contamination

The subject site has been identified as containing multiple sources of contamination. Types of contamination sources include:

- Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)
- A historic landfill (adjacent to the site)
- Agricultural use
- Contamination associated with the disused railway line.

Due to the subject site's proximity to the Wagga Wagga RAAF Base, poly- and perfluoroalkyl substances (PFAS) is a key concern. The proposal has identified detected levels of PFAS contamination and concentrations of heavy metals (primarily copper, nickel, zinc) at the subject site. As part of these findings, soil contamination was found to be higher than site assessment criteria (SAC) for human health; samples of surface water were greater than SAC for drinking water; and environmental SAC in sediment, surface water and groundwater was greater than the indirect ecological exposure guideline and ecological assessment criteria.

There are potential risks to human health and the environment from PFAS contamination.

- Human health risks to construction and maintenance workers as a result of direct contact with soil or perched water in impacted source zones.
- Human health risks to surrounding residents as a result of consumption of home grown produce irrigated with impacted surface water.
- Human health risks for recreational fishers due to consumption of fish and yabbies.
- Direct and indirect exposure of ecological receptors to impacted surface water, sediment and soil.
- Exposure of terrestrial groundwater dependent ecosystems to PFAS impacted groundwater and perched water.

Although Defence has conducted a DSI and Human Health and Ecological Risk Assessment, it is inconclusive as to what the potential long-term risk to human health and the environment is in the context of increasing urban development within the study boundary.

Council has a legal obligation to ensure that land to be used for residential purposes is fit for human habitation.

The supporting Detailed Site Investigation prepared by EMM requires an independent audit to be undertaken.

Table 15 – Summary & Recommendations – Contamination

<b>Summary of Findings</b>	The subject site has been identified as containing multiple sources of contamination. Types of contamination sources include:
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	<ul style="list-style-type: none"> <li>- Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)</li> <li>- A historic landfill (adjacent to site)</li> <li>- Agricultural uses</li> <li>- Contamination associated with the disused railway line.</li> </ul> <p>Given the risks associated with contamination an independent audit and verification of the submitted DSI should be undertaken.</p> <p>Council has obligations per Direction 4.4 under s9.1(1) of the <i>Environmental Planning &amp; Assessment Act 1979</i> which are discussed in section 3.4 of this report.</p>
<b>Relevant Application Documentation</b>	<ul style="list-style-type: none"> <li>- Draft Planning Proposal</li> <li>- Detailed Site Investigation (DSI)</li> </ul>
<b>Recommendation</b>	The draft Planning Proposal has not satisfactorily addressed matters regarding the potential contamination of the site and its suitability for use for residential purposes.

### 3.10. Infrastructure

#### 3.10.1. Sewer

Internal referral's noted capacity issues with the Forest Hill Sewerage Treatment Plant. There will be a need to update the contributions plan to ensure appropriate funding of upgrades. Augmentation or interim measures would not be supported.

#### 3.10.2. Stormwater

Further information is required to make a determination with regard to stormwater management. Refer to comments in Table 20 which detail outstanding matters.

#### 3.10.3. Roads

Further information is required to make a determination with regard to traffic and road management, design and upgrades. Refer to comments in Table 20 which detail outstanding matters.

#### 3.10.4. Utilities

Parcel A is adjacent to the existing Brunslea Park estate providing connection to existing utilities. There is powerline infrastructure running along Hazelwood Dr, through parcel A to Governors Hill. The subdivision design must respond to this existing infrastructure at Development Assessment stage if approved.

Parcel B is south of the disused railway line and would need further consideration to access to utilities.

#### 3.10.5. Community infrastructure

No detailed assessment regarding community or social infrastructure was provided. Further detail would be required to progress this application to understand the needs and requirements of the future population of this area. This includes both residential and employment components.

Table 16 – Summary & Recommendations – Infrastructure

<b>Summary of Findings</b>	Refer to discussion above.
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<b>Relevant Application Documentation</b>	<ul style="list-style-type: none"> <li>- Draft Planning Proposal</li> <li>- Infrastructure Report</li> <li>- Stormwater Management Report</li> </ul>
<b>Recommendation</b>	The draft Planning Proposal has not satisfactorily addressed matters raised by internal Council staff relating to utility and social infrastructure provision, arrangements and funding.

### 3.11. Biodiversity

A draft Biodiversity Development Assessment Report (BDAR) is required, but has not been lodged. The proposal has potential to cause significant harm to threatened species, particularly endangered Ecological Community PCT 277.

Refer to further commentary within Section 5.

Table 17 – Summary & Recommendations – Biodiversity

<b>Summary of Findings</b>	Refer to above.
<b>Relevant Application Documentation</b>	<ul style="list-style-type: none"> <li>- Draft Planning Proposal</li> <li>- Initial Biodiversity Assessment</li> </ul>
<b>Recommendation</b>	<ol style="list-style-type: none"> <li>1. The draft Planning Proposal is not supported by a draft Biodiversity Development Assessment Report (BDAR) as defined under Section 7.1 of the <i>Biodiversity Conservation Act 2016</i>.</li> <li>2. The Biodiversity Assessment lodged with the planning proposal contains insufficient information to determine: <ol style="list-style-type: none"> <li>a) SAIL,</li> <li>b) offset requirements under the biodiversity offsets scheme,</li> <li>c) impacts on the Superb Parrot,</li> <li>d) impacts on endangered ecological community PCT 227</li> <li>e) consideration and demonstrated implementation of the 'avoid, minimise and offset' principles.</li> </ol> </li> </ol>

### 3.12. Development Control Plan Provisions

No site-specific controls have been provided for the site.

The draft Planning Proposal does not adequately address the provisions of the Wagga Wagga Development Control Plan 2010 and demonstrate how these controls would be implemented satisfactory with respect to the submitted concept plan. In particular the draft Planning Proposal does not address consistency or impacts associated with the following:

- Section 5.3 – Native Vegetation
- Section 12.1 – Wagga Wagga Airport

Table 18 – Summary & Recommendations – Development Control Plans

<b>Summary of Findings</b>	The draft Planning Proposal does not discuss the ability to enable development with respect to the Wagga Wagga Development Control Plan. The following Sections 5.3 and Section 12.1 are particularly important in considering the design and layout of any future subdivision and need to be resolved to ensure zoning is correctly applied.
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<b>Relevant Application Documentation</b>	The draft Planning Proposal does not discuss any potential Development Control Plan amendments required.
<b>Recommendation</b>	The draft Planning Proposal contains insufficient information relating to the consideration and implementation of the Wagga Wagga Development Control Plan 2010 (in particular Sections 5.3 and 12.1) is limiting in enabling a comprehensive assessment of the Planning Proposal.

### 3.13. Social & Economic Effects

The draft Planning Proposal does not include a Social Impact Assessment or Retail/Economic Impact Assessment. The draft planning proposal makes general statements about the general social benefits of increased housing supply and the indirect jobs supported by construction of the subdivision and future dwellings. These benefits are minor and considered incidental to the proposed Planning Proposal. They do not provide sufficient benefit to outweigh the other strategic deficiencies identified in this report.

*Table 19 – Summary & Recommendations – Social & Environmental Effects*

<b>Summary of Findings</b>	The draft Planning proposal does not meaningfully discuss the social and economic benefits. While Council does not currently have any adopted economic development strategies, there are provisions relating to economic development in the Local Strategic Planning Statement which have not been addressed. These are Principle 4, Principle 5, Principle 6, Principle 7 and actions ECON 3, 4 -ECON10 relating to economic impacts, and Principle 8, Principle 9, Principle 10 and action COM 6.
<b>Relevant Application Documentation</b>	The draft Planning proposal does not discuss any of the relevant economic or social components of the Local Strategic Planning Strategy.
<b>Recommendation</b>	The draft Planning proposal contains insufficient information relating to the consideration and implementation of the Local Strategic Planning Strategy which is limiting in enabling a comprehensive assessment of the Planning Proposal.

## 4. Part 4 - Mapping

Extracts of the proposed mapping is depicted in Figure 4 and Figure 5.





## 5. Part 5 – Internal, External and Community Consultation

### 5.1. Internal

The following internal Council departments were consulted as part of the assessment of the Planning Proposal.

*Table 20 – Internal Consultation during assessment*

Type	Comment Summary	Assessment Officer Response
<b>Contributions</b>	<ul style="list-style-type: none"> <li>- An update to the contributions plan may be needed for sewer servicing, as augmentation may be required.</li> </ul>	Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.
<b>Environment</b>	<ul style="list-style-type: none"> <li>- Evidence of avoiding and minimising impacts required</li> <li>- Concern about type of zoning proposed may not be suitable for protecting significant EEC and areas with environmental value</li> <li>- BDAR required at planning proposal stage; to include assessment of impact to the Superb Parrot</li> <li>- Does not support the planning proposal based on the information provided</li> <li>- Rezoning of land to RE1- more details required on who will manage these areas and how they will be managed</li> <li>- Parcel B: DCP 5.3 native vegetation offsetting and Bushfire requirements for 4000m<sup>2</sup> may need further discussion</li> <li>- Gregadoo Creek and stormwater proposed recreation zone- how and how will manage</li> <li>- Vegetated area to the north of site-management</li> </ul>	<p>Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.</p> <p>A draft BDAR was not provided with the draft Planning Proposal and would be required if the application was to progress.</p>



Type	Comment Summary	Assessment Officer Response
<b>Cultural Heritage</b>	<ul style="list-style-type: none"> <li>- AHIP required to remove artefacts</li> <li>- Recommend local Wiradjuri person conduct a site inspection</li> </ul>	<p>Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.</p> <p>ACHAR not provided with application.</p>
<b>Contamination</b>	<ul style="list-style-type: none"> <li>- Recreational areas dedicated to Council as public open space- management of land with contamination.</li> <li>- The former landfill site requires remediation but there is no Remedial Action Plan (RAP) provided.</li> <li>- DSI - there are some detections of contaminants on site in particular PFAS and heavy metals (zinc and copper).</li> <li>- The DSI should provide a Conceptual Site Model (CSM) but it refers to it being a Preliminary CSM. Are there data gaps related to the sampling and assessment?</li> <li>- Require an accredited Site auditor under the NSW Site Auditor Scheme to independently review the DSI and consultants site assessment to ensure it meets the standard appropriate for the proposed land use.</li> </ul>	<p>Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.</p> <p>The DSI requires an auditor to review the contamination report and confirm the findings.</p>
<b>Statutory Planning</b>	<ul style="list-style-type: none"> <li>- The development of Parcel A should encourage the use of existing access intersections to Elizabeth Avenue</li> <li>- Parcel A proposes a 1-sided road considerations</li> <li>- Detention basin parcel A</li> <li>- Openspace location</li> <li>- Crown Road- proponent to consider acquisition costings</li> <li>- Powerline infrastructure corridor- subdivision design to respond to</li> <li>- Interface R5 and R1</li> <li>- DCP amendment needed</li> </ul>	<p>Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.</p>

Type	Comment Summary	Assessment Officer Response
<b>Airport</b>	<ul style="list-style-type: none"> <li>- Not supportive of the planning proposal;</li> <li>- Concerns about noise and the need to protect the airport as a strategic council asset, specifically regarding potential for noise complaints and impact to training organisations</li> <li>- Not considered constituting a hazard to aircraft operations, referral to CASA not required</li> </ul>	Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.
<b>Recreation</b>	<ul style="list-style-type: none"> <li>- Parcel A: an additional 1.15HA of open space needs to be provided over two equal open space areas</li> <li>- Consideration should be given to the impacts of any planned future development to the West of Parcel A when considering open space layouts</li> <li>- Parcel B: drainage basins not considered; surplus open space will become a maintenance burden for Council; 2.15Ha should could be provided as a central larger open space area</li> </ul>	Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.
<b>Transport</b>	<ul style="list-style-type: none"> <li>- The planning proposal has merit</li> <li>- A few traffic network upgrades may be required</li> <li>- The Planning Proposal has reviewed existing and future traffic conditions; the proposal allows for some 300 vehicle trips per hour (vtph) for trip generation increase for passenger movements and 300 vtph for other components of future Wagga Wagga Airport expansion.</li> </ul> <p>It is suggested that the proposal:</p> <ul style="list-style-type: none"> <li>- Establishes active travel links at a minimum along higher order roads to link with future and established links</li> <li>- Aligns trip generations rates with the Wagga trip generation rate</li> <li>- Identifies potential traffic destination-distribution routes in the network for the Brunslea Park subdivision (e.g. percentage traffic going into the CBD and the route/s chosen)</li> </ul>	Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.

Type	Comment Summary	Assessment Officer Response
	<ul style="list-style-type: none"> <li>- Undertakes traffic surveys so survey results are not impacted by COVID impacts</li> <li>- Assesses with revised generation rates and revised survey results the intersections along Elizabeth Avenue and Inglewood Road solely impacted by the Brunslea Park traffic and including 1.5% annual background growth (excluding future Airport traffic)</li> </ul>	
<b>Stormwater</b>	<ul style="list-style-type: none"> <li>- Consider retention drainage network and green network</li> <li>- Parcel A revise to consider easement for discharge beyond the wetlands area in consideration of future owners and consolidation of two proposed basins</li> <li>- Parcel B Proposed basins need revising at conceptual level and planning proposal stage and NRAR approval.</li> <li>- Consider offset rule in riparian corridor</li> <li>- external Airport Catchment as 50ha. The corresponding MOFFS 2021 catchment is 87.5ha Confirm the external catchment contributing area from the airport and fraction impervious</li> <li>- The external catchment from the south shown on Figure 1 is shown as 100m wide. The corresponding MOFFS 2021 1% AEP flood extent at the Inglewood Road boundary is in the order of 170m, with the 1% AEP MOFFS FPA extent approximately 150m wide - confirm extent of natural watercourse</li> <li>- Proposed riparian corridor requires NRAR approval, align with the Guidelines for Riparian Corridors, and consider MOFFS 2021 FPA</li> <li>- road would need to be designed above the 1% AEP flood planning level for emergency management purposes. It is likely this would be considered further as part of the DA process.</li> <li>- timing of stormwater peak flows for undeveloped and developed areas- consider further in subsequent investigations</li> <li>- Rail crossing: The areas labelled 'E' and 'F' have a portion of catchment on the southern side of the rail corridor, marked up on attached sketch.</li> </ul>	<p>Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.</p>

Type	Comment Summary	Assessment Officer Response
	<ul style="list-style-type: none"> <li>- There are no apparent detention facilities provided for these sub catchment areas south of the rail corridor, to provide predeveloped discharges as required by TfNSW and UGL.; confirm agreements in place with UGL</li> <li>- The proposed means to convey stormwater from the southern sub catchments to the northern catchments across the rail corridor is not discussed Brunslea Concept Stormwater Management Plan. I would suggest that this aspect will need to be specifically addressed by the proponent to (at least) gain in principle support for the proposed stormwater strategy from UGLRL.</li> <li>- Alternatively, the stormwater strategy may require revision to achieve the necessary approvals.</li> </ul>	
<b>Flooding</b>	<ul style="list-style-type: none"> <li>- Infrastructure staff are in agreement with the department's advice</li> <li>- Key concerns are the engineered road area for parcel a and parcel b area evacuation concerns for parcel b and across railway if no approval</li> <li>- Stormwater management plan overlaid with WWCC GIS of Riverine flood model FPA, not in agreement and with MOFFS not in agreement</li> <li>- The area identified as Parcel B will be impacted by the MOFFS 1% AEP and PMF with portions potentially isolated. The remaining northern portion of Portion B would be reliant on the proposed road crossing of the rail corridor, the provision of this road would be subject to rail authority approval. Should road approval not be granted, this could potentially jeopardise the proposed development of Parcel B.</li> </ul>	Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.
<b>Evacuation</b>	<ul style="list-style-type: none"> <li>- Parcel B impacted by MOFFS 1%AEP and PFM, with portions potentially isolated and would be reliant on crossing the rail corridor, which requires approval</li> <li>- Residents in the event of 1% Riverine or 1% moffs will need to evacuate to Forest Hill; engineering relevant roads above PMF level may be a minimum requirement</li> </ul>	Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.

Type	Comment Summary	Assessment Officer Response
<b>Sewer</b>	<ul style="list-style-type: none"> <li>- No sewer capacity for future rezonings; requires implementation of interim measures; augmentation required and contributions plan may need amending</li> <li>- The sewer main design shown on the Existing Infrastructure Report (LRCE 2020) indicates a new sewer pump station in Parcel B with a gravity sewer main to be provided from the crest to Councils (new) SPS, confirm if there are agreements in place with the relevant rail authority.</li> <li>- Confirm if the proposed sewer mains have considered future development in this vicinity. There may be the opportunity to ensure the mains extending to the north and west can be utilised as trunk sewer mains.</li> <li>- Confirm if the proposed sewer main design has considered the proposed sewer pump station and rising main in the pipe grades adopted. Confirm the location of the rail crossing on the long sections, and the location of the APA 100mm steel gas main.</li> </ul>	<p>Unresolved – a request to the applicant to resolve this matter was not pursued as the strategic merit of the proposal could not be adequately established and therefore was not considered appropriate that Council request further financial investment by the applicant that would ultimately result in a refusal of the draft Planning Proposal.</p>

## 5.2. External

The table below provides a summary of the external consultation that occurred during the assessment of the draft Planning Proposal.

Table 21 – External Consultation

External Comments Received	External Comments Summary
<b>Department of Primary Industries</b>	<ul style="list-style-type: none"> <li>- Part of the proposed site is considered Land and Soil Capability Class 3 / draft State Significant Agricultural Land with potential for productive agriculture.</li> <li>- Due to its proximity to other already approved residential and large lot developments, this potential has been eroded. As there are no land use strategies providing guidance on non-agricultural land use developments on rural land for the Wagga Wagga LGA, DPI is concerned about ongoing expansion of residential, large lot and rural residential developments impacting on the viability of agricultural enterprises around the city.</li> <li>- Strategic led planning for agricultural areas can identify and manage potential land use conflicts between ongoing agricultural enterprises and non-agricultural developments. DPI is available to contribute to the development of relevant strategies for your council area to ensure ongoing industry confidence and investment.</li> </ul>
<b>NSW Rural Fire Service</b>	<ul style="list-style-type: none"> <li>- No objection subject to compliance with <i>Planning for Bushfire Protection 2019</i>.</li> </ul>
<b>Air Services Australia</b>	No response
<b>Civil Aviation Services Australia</b>	<ul style="list-style-type: none"> <li>- Council's Airport Facility Manager does not believe this is a hazard to aircraft operations, therefore aviation safety not a concern in this instance.</li> <li>- CASA does not provide comment on aircraft noise as we are solely interested in aviation safety. Noise related issues are not safety driven. Council will need to decide whether it is prepared to manage noise related issues if it intends to pursue residential development below the flight paths to and from Wagga Airport. Council as operator of the airport would need to consider the benefits / disbenefits to the airport of such a proposal. Any change to the operation of the airport resulting from residential noise complaints would be a decision for Council, not for CASA.</li> <li>- Several legs of the runway 05 circuit are positioned to the north of the aerodrome over Forest Hill and over the proposed Brunslea Park development.</li> <li>- When the Brunslea Park development is completed, aircraft landing this runway will pass over the area designated as Parcel B as low as 150 feet above ground level (AGL).</li> </ul>

External Comments Received	External Comments Summary
	<ul style="list-style-type: none"> <li>- Unlikely that the OLS would limit normal construction activities.</li> <li>- If runway 12/30 is to be developed in the future as an instrument runway, there may be limitations because of the Brunslea Park development.</li> <li>- With populous areas extending further to the west with the development of Brunslea Park, it may be appropriate to reconsider the circuit direction change proposal. To paraphrase, an aeroplane must not be flown below 1,000 ft a populous area unless the aeroplane is taking off or landing or performing training circuits at an aerodrome. It is recommended but not mandatory that aerodrome circuit traffic avoids overflying populous areas.</li> </ul>
<b>Wagga City Aero Club</b>	<ul style="list-style-type: none"> <li>- Object to the proposal</li> <li>- Safety risk</li> <li>- Increased noise</li> <li>- Concern about runway 12/30 flying low over the area, and potential need to close the runway.</li> <li>- Concern about the potential effect on airport operations and development opportunities</li> <li>- Concerns about non-standard flight paths, circuit direction changes and curfew introductions due to noise complaints, potential restriction of trade.</li> </ul>
<b>Wagga Air Centre</b>	<ul style="list-style-type: none"> <li>- 24-hour operation needs such as maintenance, no engine bunker infrastructures, specifically mentions site B,</li> <li>- Training organisation growth coming</li> <li>- Safety and risk concerns</li> </ul>
<b>Department of Planning – Western Region team</b>	<ul style="list-style-type: none"> <li>- Key issues including biodiversity, flooding, bushfire, and land contamination impacts.</li> <li>- The proposed IN1 area will need to identify the future employment zone that would be applied and interface with large lot residential.</li> <li>- Consultation with the Department of Defence or the Airport</li> <li>- demand for this type of housing in this location</li> <li>- new rural residential development should be accommodated in existing R5 areas or in surrounding towns and villages.</li> <li>- the infrastructure and community facilities available for the approximately 1,200 future additional residents.</li> </ul>



External Comments Received	External Comments Summary
<b>Department of Infrastructure, Transport, Regional Development, Communications, and the Arts</b>	No response
<b>Aircraft Noise Ombudsman</b>	<ul style="list-style-type: none"> <li>- Advice or feedback on planning proposals is outside of the remit of the ANO office.</li> </ul>
<b>Department of Defence - External Land Use Planning</b>	<ul style="list-style-type: none"> <li>- Provides advice to consider as part of assessment and these are largely related to airfield related constraints such as noise, birdstrike and lighting. No significant objection.</li> </ul>
<b>Department of Defence – PFAS Investigation and Remediation - Infrastructure Division</b>	<ul style="list-style-type: none"> <li>- Provided comments in relation to PFAS and its management. DSI generally consistent with the findings of the Defence DSI</li> <li>- Human Health and Ecological Risk Assessment did not identify any potentially elevated exposure risks associated with direct contact with impacted water.</li> <li>- Riparian corridor - unclear what management actions would be considered practicable in line with the DSI recommendation.</li> <li>- Did not provide any clear support or objection to the development.</li> </ul>
<b>Riverina Water</b>	<ul style="list-style-type: none"> <li>- Comment on Riverina waters network &amp; reticulation</li> <li>- Riverina water has existing infrastructure adjacent &amp; fronting the development with main supply reticulation lines running along the rail corridor and both north / south of the proposed development.</li> <li>- The proposed land to be developed is at a serviceable elevation.</li> <li>- There would be a capacity to supply “some” of the proposed development.</li> <li>- A detailed analysis would be required to determine to scale of existing capacity and scope off additional infrastructure requirements.</li> </ul>

External Comments Received	External Comments Summary
	<ul style="list-style-type: none"> <li>- In regard to the 'Existing Infrastructure Report' section 3, both parcel A -B can be supplied by existing infrastructure but how much would be determined by a more detailed analysis on finalised plans.</li> </ul>
<b>SES</b>	<ul style="list-style-type: none"> <li>- Provided comments on risk assessment considerations in relation to flood warning and evacuation; portion of Parcel A affected by PMF, and impact of Gregadoo Creek on parcel B; full range of flooding to PMF.</li> <li>- The consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.3 – Flood Prone Land and is consistent with the NSW Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005 (the Manual)</li> </ul>
<b>Crown</b>	<ul style="list-style-type: none"> <li>- The proposed amendment areas are not directly situated on any parcels of Crown Land</li> <li>- Proposed amendment area is adjacent to a Crown Road</li> <li>- Any proposal to rezone land to permit new subdivision area/s or land release areas where Crown Public road/s (formed or unformed) will be required to provide access, Council must accept transfer of control of such roads before approving any such proposal, regardless of the number of lots to be serviced.</li> </ul>
<b>Heritage NSW</b>	<ul style="list-style-type: none"> <li>- Recommends a further Aboriginal cultural heritage assessment including aboriginal community consultation and archaeological test excavation</li> </ul>
<b>EPA</b>	<ul style="list-style-type: none"> <li>- Council will need to make its own assessment on contamination matters as per the requirements in State Environmental Planning Policy (Resilience and Hazards) 2021.</li> <li>- The EPA considers that the current PFAS impacts can be managed through the redevelopment strategies described in the Planning Proposal. However, the EPA recommends that any supporting development controls should require appropriate management of erosion, sediment control and site housekeeping, including measures to prevent offsite migration of PFAS contamination during the construction phase in Parcel B.</li> <li>- construction related activities will require carefully planning to prevent any offsite migration of PFAS. This should include restricting disturbance and interaction with such PFAS impacted sediments.</li> </ul>

External Comments Received	External Comments Summary
<b>DPE – Biodiversity Conservation and Science Division (BCSD)</b>	<p><b>Biodiversity</b></p> <ul style="list-style-type: none"> <li>- BDAR required.</li> <li>- the proposal has potential to cause significant harm to threatened species. Council must be satisfied that impact has been avoided or mitigated before approving.</li> <li>- In finalising the design and mitigating harm to threatened species, we encourage the proponent to consider the following: <ul style="list-style-type: none"> <li>o housing lots and all ancillary features (including but not limited to access, services, infrastructure etc.) should avoid remnant vegetation.</li> <li>o apply the design principles of the <i>Low-Rise Housing Diversity Code</i> to maximise housing yield and the area of retained native vegetation.</li> <li>o enhance liveability and habitat for threatened species by incorporating patches of remnant vegetation into green spaces.</li> <li>o biodiversity certification of the precinct consistent with Part 8 of the BC Act. In that case the BDAR is replaced by a Biodiversity Certification Assessment Report (BCAR) with potential for no trading in BOS credits.</li> </ul> </li> </ul> <p><b>Flooding</b></p> <ul style="list-style-type: none"> <li>- The Planning Proposal should be revised to include details of Major Overland Flow flooding that occurs across the site consistent with Ministerial Direction 4.1-Flooding and the Wagga Wagga Major Overland Flow Floodplain Risk Management Study and Plan (2021).</li> </ul>
<b>School Infrastructure NSW</b>	<ul style="list-style-type: none"> <li>- Indicate that additional school infrastructure may be needed due to the planning proposal and current projections; requests ongoing engagement with Council.</li> <li>- Requests the traffic assessment outline pedestrian prioritisation measures and how residents and students will access existing school travel paths, consider bus and public transport service delivery, walkability and access.</li> </ul>
<b>TfNSW</b>	<ul style="list-style-type: none"> <li>- Consider improvements to local road network to the southern suburbs of Wagga Wagga</li> <li>- Consider additional east-west road providing a link to Bakers Lane</li> <li>- Consider the rail corridor</li> </ul>

External Comments Received	External Comments Summary
	<ul style="list-style-type: none"> <li>- Support is conditional on improvements to Elizabeth Ave and Sturt Highway intersection</li> </ul>
<b>UGL</b>	<ul style="list-style-type: none"> <li>- Contamination- in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 -Section 4.6 'Contamination and remediation to be considered in determining development application' (Previously State Environmental Planning Policy No. 55 – Remediation of Land) the consent authority (Council) must consider whether Lot 2 DP 1077748 and Lot 1401 DP 1262802 which is in close proximity to the rail corridor are contaminated.</li> <li>- Stormwater management- the Applicant must ensure that the rail corridor must not be adversely impacted by any future developments in terms of stormwater management.</li> <li>- Noise, Vibration, and Air Quality- As such, it is strongly recommended that future development for sensitive uses on the Site that is immediately adjacent to the rail corridor must ensure that acoustic building treatments are provided within 100m of the corridor to achieve noise requirements and compliance with the noise requirements shall only be based on shielding from fences, noise walls and intervening objects which are permanent structures, and exclude shielding from any object which forms part of a future development stage.</li> <li>- SEPP 2021- It is strongly recommended that the Planning Proposal should reflect the relevant provisions of including but not limited to Sections 2.97, 2.98, 2.99 and 2.100 of State Environmental Planning Policy (SEPP) (Transport &amp; Infrastructure) 2021.</li> </ul>

### 5.3. Community

Public consultation with adjoining landowners and the public occurs after a Gateway Determination has been issued. Formal community consultation will be undertaken as required by the Gateway Determination if granted.

## 6. Project Timeline

The subject application recommends the refusal of the planning proposal. Therefore, a project timeline is not considered to be relevant to the application as it will not be proceeding to Gateway.

## 7. Options

### 1. Option 1 - Refusal

Resolve to refuse the Planning Proposal to proceed to Gateway Determination for the reasons outlined in the Recommendation below.

This is the recommended approach.

### 2. Option 2: In-principal support

Resolve to provide in-principal support to the subject application and as the planning proposal authority, forward the planning proposal to the Minister and request that a Gateway Determination be issued under section 3.34 of the EP&A Act.

This approach is not supported.

## 8. Recommendation

1. It is recommended that planning proposal LEP22.0002 be refused for the following reasons:

- a) The draft Planning Proposal does not meet the requirements of section 3.33(2)(c) of the *Environmental Planning & Assessment Act 1979*.
- b) The draft Planning Proposal is inconsistent with Objective 1, Objective 3, Objective 5, Objective 6, Objective 7, Objective 9, Objective 11, Objective 13, Objective 14, Objective 18, Strategy 1.1, Strategy 3.1, Strategy 5.3, Strategy 6.1, Strategy 7.1, Strategy 9.1, Strategy 9.2, Strategy 9.3, Strategy 11.2, Strategy 14.2, Strategy 14.3, Strategy 18.3 and Strategy 18.6 of the Murray Riverina Regional Plan 2041.
- c) The draft Planning Proposal is inconsistent with Principles 1, 2, 3, 4, 5, 6, 7, 9, 11, Action ENV1, Action ENV6, Action ENV7, Action ECON6, Action COM6 and Action COM9 of the Wagga Wagga Local Strategic Planning Statement.
- d) The draft Planning Proposal is inconsistent with Direction 1.1, Direction 3.3, Direction 4.1, Direction 4.4, Direction 5.1, Direction 5.3, Direction 6.1, Direction 9.1 and Direction 9.2 as set out under Section 9.1(2) (Ministerial Directions) of the *Environmental Planning & Assessment Act 1979*.
- e) The draft Planning Proposal is inconsistent with a number of objectives within the Wagga Wagga Community Strategic Plan 2040.
- f) The draft Planning Proposal is inconsistent with Direction PT1.7 of the *Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040* and should not be supported.
- g) The draft Planning Proposal has not satisfactorily addressed matters raised by external referral authorities and organisations such as:
  - i. The need for further school capacity and planning for this growth
  - ii. Access across the existing Wagga Wagga to Tumbarumba rail line.
  - iii. Flooding



- iv. Biodiversity
  - v. Contamination, and
  - vi. Airport protections
- h) The draft Planning Proposal has not satisfactorily addressed matters raised by internal Council staff relating to utility and social infrastructure provision, arrangements, and funding.
  - i) The draft Planning Proposal is not supported by a draft Biodiversity Development Assessment Report (BDAR) as defined under Section 7.1 of the *Biodiversity Conservation Act 2016*.
  - j) The Biodiversity Assessment lodged with the planning proposal contains insufficient information to determine:
    - i. SAIL,
    - ii. offset requirements under the biodiversity offsets scheme,
    - iii. impacts on the Superb Parrot,
    - iv. impacts on endangered ecological community PCT 227
    - v. consideration and demonstrated implementation of the 'avoid, minimise and offset' principles.
  - k) The draft Planning Proposal contains insufficient information relating to the consideration and implementation of the Wagga Wagga Development Control Plan 2010 (in particular Sections 5.3 and 12.1) is limiting in enabling a comprehensive assessment of the Planning Proposal.
  - l) The draft Planning Proposal has not satisfactorily addressed matters regarding the potential impacts on or from the Wagga Wagga Airport.
  - m) The draft Planning Proposal has not satisfactorily addressed matters regarding the potential contamination of the site and its suitability for use for residential purposes.
  - n) The draft Planning Proposal has not satisfactorily addressed matters regarding social and economic effects of the development.
2. That in accordance with clause 9 of the *Environmental Planning & Assessment Regulation 2021*, Council write to the applicant, developer and landholder of its decision.

Accordingly, the subject planning proposal will be reported to Council with this recommendation for formal resolution.

