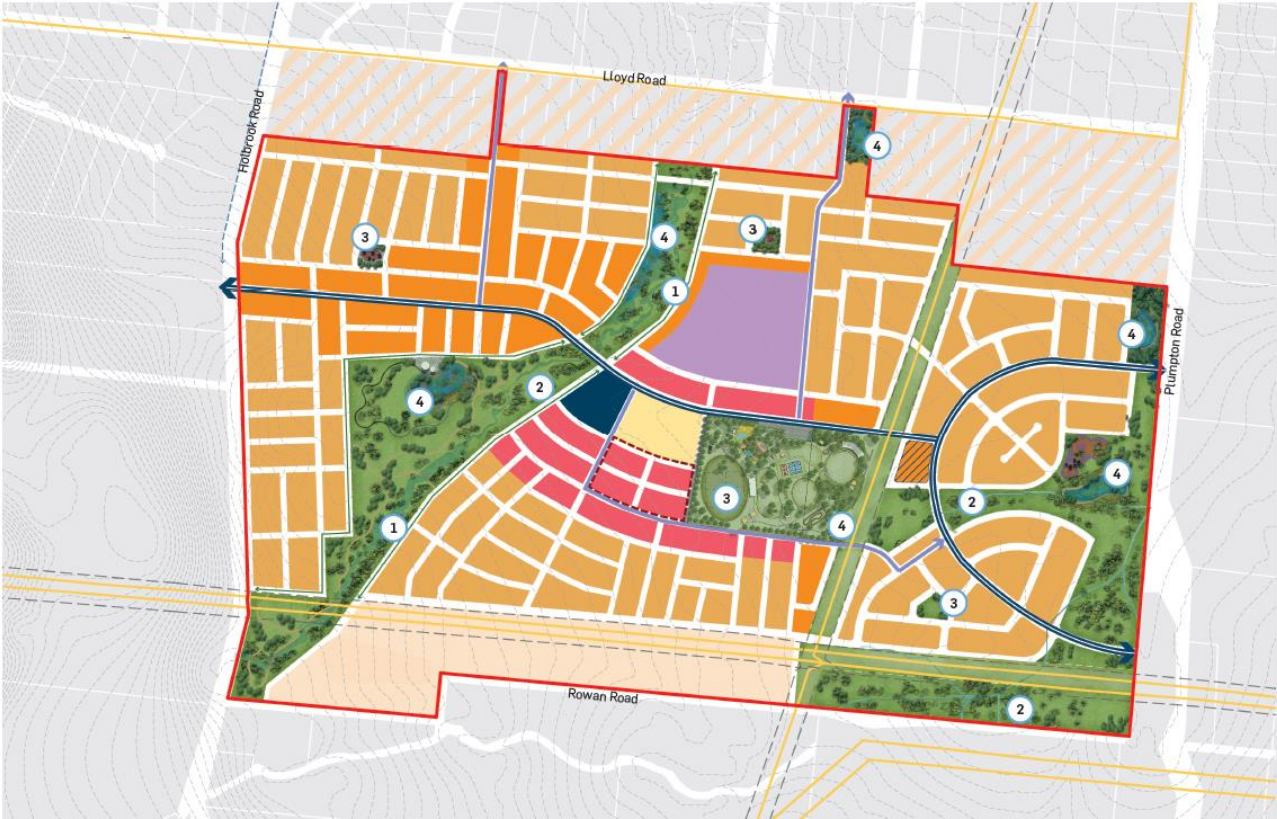


Planning Proposal Assessment Report

Southern Growth Area Zone 1 – LEP24/0003 | PP-2023-2907



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Executive Summary

The subject planning proposal seeks to amend the *Wagga Wagga Local Environmental Plan 2010* (LEP) to:

- Rezone the subject land from RU1 Primary Production zoned land and R5 Large Lot Residential to the following mix of land use zones:
 - R1 – General Residential
 - R3 – Medium Density Residential
 - R5 – Large Lot Residential
 - RE1 – Public Recreation
 - E1 – Local Centre
 - SP2 – Infrastructure (School)
- Remove the minimum lot size of 200 hectares and 2 hectares.
- Apply a minimum lot size of 2,000m² for the proposed R5 Large Lot Residential zone.
- Amend the ‘Urban Release Area Map’ to include the subject land.
- Amend Clause 5.1 to identify the land to be zoned SP2 and the relevant acquisition authority.
- Amend the ‘Land Reservation Acquisition Map’ to identify the school site.
- Introduce a new local provision to Part 7 (new draft clause 7.14).
- Introduce a new ‘clause application map’ to identify the land to which the clause will apply.
- Introduce a new local provision to Part 7 (new draft clause 7.15)
- Introduce a ‘Dwelling Density Map’ to identify the relevant densities to apply to the subject land.
- Introduce an additional permitted use on a designated part of the site for the purpose of ‘Caravan parks’ to facilitate the development of a manufactured home estate.
- Introduce an ‘Additional Permitted Uses’ Map to identify the location of the proposed additional permitted use.

The planning proposal is supported by a draft development control plan (DCP) prepared by the proponent. The draft DCP is currently under assessment and will be implemented under a separate process to the planning proposal outlined above.

The planning proposal is also supported by an addendum to clarify certain provisions that require further information or justification for certain aspects of the proponent’s draft Planning Proposal.

Context

In January 2024 Council received a planning proposal that sought to rezone approximately 350ha of RU1 rural production zoned land and R5 large lot residential zoned land into a variety of R1, R3 and R5 zoned land, supported by RE1 public recreation, E1 local centre and SP2 infrastructure zoned land. The proposal seeks to deliver an integrated community consisting of approximately 2,900 dwellings, 34ha of open space (including a district park and 4 local parks), active travel network, a local centre, community centre and land for a school. These components are set out within an indicative masterplan for the development and is shown in Figure 1 below.

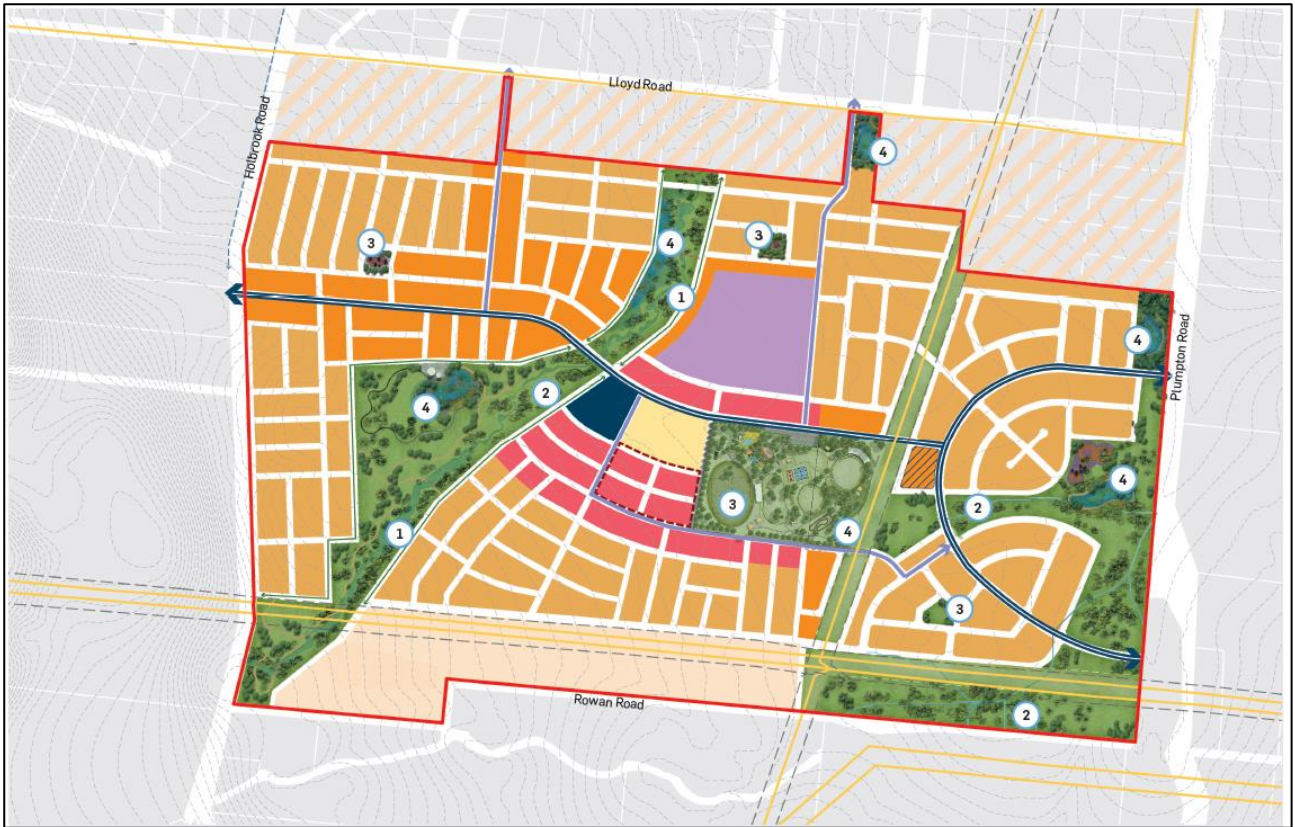


Figure 1: Zone 1 Southern Growth Area Indicative Masterplan

The proposal follows an extended period of discussion between Council staff and the proponents (Rowan Village and Sunnyside Ventures) to identify the infrastructure required to service the development. Council staff briefed Councillors on the background to this complex matter in November 2024 and February 2025.

Since lodgement, Council staff have focused attention on key components of the proposal, including the mix of residential dwelling density and diversity across the site, the provision and location of formal and informal open space (including a new district park), details around the proposed seniors housing (Manufactured Homes Estate - MHE), school site and local centre and the proposed planning agreement. A significant package of information updating the planning proposal was lodged with Council in January 2025, responding to feedback provided by Council staff.

Extensive negotiations have been held with the proponents around the detail to be included within a potential planning agreement, with several offers being received over recent months. Whilst these negotiations have resolved the majority of issues in relation to a potential planning agreement, three core matters remain between the parties: the timing for a signed planning agreement; contributions payable for the MHE and medium density development and; the timing of upgrades to Holbrook Road. As such, Council staff have prepared an infrastructure contribution plan for the planning proposal.

Key matters

There are a number of key matters that have been considered in the assessment of this significant Planning Proposal application. There are a range of items that have required detailed consideration and assessment. This combined with a complex application history spanning approximately four years and the desire of Council to ensure the delivery of a high-quality precinct

that delivers on the needs of our growing community has compounded the importance of undertaking detailed assessment and consideration of matters such as:

- Structure planning that enables appropriately zoned land that reflects the future desired use of the land, well distributed open space and centralised commercial and education opportunities that are supported by key infrastructure, pedestrian, and transport connectivity.
- Sequenced and appropriately funded infrastructure to deliver key road and intersection upgrades, embellishment of local and district open space, provision of community facilities and other infrastructure requirements.
- Planning mechanisms that support the delivery of key objectives identified within the structure plan.
- A proposal that addresses and builds on the previous refusal of Sunnyside by the Department of Planning, Housing and Infrastructure.

Additionally, the proposal presents a range of key matters that have formed a critical part of the assessment of the current proposal. These matters have been highlighted below and are further discussed throughout this report.

Density, diversity and distribution of housing

- Zone 1 of the Southern Growth Area is expected to deliver approximately 2,900 dwellings.
- To ensure delivery of housing that aligns with infrastructure capacity and servicing, density controls will be implemented to ensure minimum yields are achieved.
- The proposed densities are split across three (3) areas and are aligned to the proposed zoning.
- The densities proposed by Council's addendum seek to achieve dwelling densities of 28 dw/ha, 22 dw/ha and 10 dw/ha.
- This equates to average lot sizes of 250m², 300m² (enabling attached townhouses and multi-dwelling housing), and 700m² respectively (enabling standard detached dwellings, secondary dwellings, dual occupancies and other housing typologies as appropriate)
- Distribution is achieved through the proposed tiers of dwelling densities that align with zoning, this will enable higher densities closer to key nodes, such as the local centre, district sports field and education facilities.
- This matter is further discussed in Section 5.3.

Infrastructure capacity and servicing

- Section 8.11 discusses whether adequate public infrastructure has been provided to service the development.
- Concern has been raised regarding sewer and water capacity requirements to service future development.
- Riverina Water has advised that they can service the first 422 lots, however after this capacity is not currently available.
- Riverina Water has advised that hydraulic modelling is currently being finalised by NSW Public Works. This model will determine what additional works are required to adequately service the SGA and the wider city as it grows.
- Early indications expect that additional capacity will not be available until 2029-30.

- The developer will require ongoing discussions with Council's City Engineering department to agree on a proposed approach to delivering the capacity required to service Zone 1 of the SGA.
- The Koorinal Sewer Treatment Plan (STP) will require a short-term solution to manage peak average dry weather flows (ADWF), but in the long term require upgrades to the entire plant (already identified within Council's Long Term Financial Plan) to 7ML/day average dry weather flow (ADWF) capacity.
- Under the current capacity of the Koorinal STP, there is only 440 lots able to be serviced within SGA Zone 1. A temporary solution has been identified while long term upgrades are delivered.
- Lead in infrastructure for sewer will be provided by the developer at no cost to Council.
- To sustainably manage the capacity constraints mechanisms are proposed to ensure that development cannot proceed unless adequate arrangements have been put in place. This protection is achieved under the Urban Release Area provisions of the LEP Clause 6.2 which states *"Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required."*
- This clause cannot be varied under clause 4.6 of the LEP. This clause aims to ensure that land within an urban release area can accommodate future development and the infrastructure needs arising from increased density. This means government authorities are not burdened by the cost of infrastructure associated with development and avoids the potential for cost-shifting.
- Council will also seek additional protection through the implementation of a dwelling cap to protect the sustainable delivery of infrastructure whilst planning for long term capacity and infrastructure delivery across the precinct. (see Section 5.3)
- The cap would be introduced as part of the dwelling densities clause and be subsequently removed once infrastructure planning for sewer delivery is complete. This could be done through an expedited process under section 3.22 or a basic planning proposal.
- A risk of enabling the rezoning is that the above points may result in development being placed on hold while capacity is developed.
- This matter is further discussed in Section 8.11.

Infrastructure contributions

- The local infrastructure required to service new development is usually funded under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) or s64 of the *Local Government Act*, with contributions collected by Council under a contributions plan or development servicing plan (DSP).
- Section 7.11 contributions collected under such a plan are capped in greenfield areas like the SGA to \$30,000, unless the contributions plan is approved by the Independent Pricing and Regulatory Tribunal (IPART).
- Planning agreements are voluntary agreement between the parties and are not subject to the contributions cap. The proponents have made several offers to enter a planning agreement to fund the infrastructure required to service Zone 1 of the SGA.
- The latest proposed planning agreement for SGA Zone 1 includes developer works and cash contributions which are valued at approximately \$38,000 per lot (in 2024/25 dollars), based on lot yield of 2,678.

- Council staff and the proponents have agreed on the infrastructure projects and the estimated cost of this infrastructure (in 2024/25 dollars) to be included in any proposed planning agreement.
- The proponents have advised in writing that there are three matters preventing them from entering into a planning agreement at this stage with Council:
 - Council's requirement to collect contributions from any future dwellings in the senior living/ manufactured home estate and other medium density within Zone 1;
 - The cash contribution per lot for Holbrook Road will have to be assessed against the commercial impact of bringing forward payments and that contributions should be forecast against the development of 4,750 lots across the wider SGA;
 - The timing for the signing of the planning agreement (the proponents seek this after the land is rezoned).
- If the proponent does not offer to enter into a planning agreement, Council must develop a contributions plan for the SGA Zone 1 to facilitate the collection of Section 7.11 contributions for the parent subdivision.
- At this stage, both parties have some fundamental differences on basic components of the proposed planning agreement. In relation to some of these issues it is Council that would be exposed to financial risk and needing to provide the infrastructure.
- The developer has made clear that they are unable to provide a security to remove that risk (as required by Council Developer Infrastructure Agreements Policy POL121).
- Given the outstanding contentions, Council has proposed to pursue the planning proposal underpinned by a contributions plan for section 7.11 contributions. With this approach the infrastructure will be underfunded but Council will still be able collect cash contributions for each lot/ stage of release, and this means Council's shortfall exposure is known and can be managed by Council.
- Contributions for sewer and stormwater will be collected under s64 of the *Local Government Act* in accordance with the relevant Development Servicing Plans (DSP). There is no change to the current DSP's applied to the SGA Zone 1 (\$4,802 and \$4,666 as at 2024/25)
- This matter is further discussed in Section 8.11

Local clause provisions & addendum

- The draft Planning Proposal seeks to introduce two site-specific additional local provisions:
 - A local provision that enables the delivery of a minimum net dwellings per hectare, and (discussed above) and
 - A local provision that requires that development in Zone 1 is generally in accordance with the 'Design Principles' in Appendix A – Urban Design Report (i.e. providing it statutory weight)
- The current draft Planning Proposal does not accurately reflect the discussions between staff and the proponent. Staff have sought to include these additional considerations within an addendum. The local provision in addition to above will also include:
 - Objectives to support the intent of the proposed local clause and guide future assessment of development applications in Zone 1.
 - Administrative matters to enable appropriate implementation.
 - Controls to ensure that development within Zone 1 is consistent with the masterplan and guidelines outlined in the Urban Design Report.

- Provisions which require a detailed masterplan to be prepared for the future commercial zoned land.
- The full provisions will be outlined in an Addendum prepared by Council staff to ensure the entire intent of the clause is realised.
- This matter is further discussed in Section 5.4 and Section 5.5

Technical studies

- The draft Planning Proposal is supported by a broad range of detailed technical reports.
- The draft Planning Proposal and supporting documentation were referred as part of the assessment process to both internal and external stakeholders.
- The outcomes of this referral process identified a range of technical gaps with a number of the reports. These matters were raised with the proponent through multiple detailed further information requests.
- An assessment of the outstanding information has determined that subject to a favourable recommendation from Council, these matters can be appropriately managed, updated and completed through a Gateway Determination process.
- Outstanding matters relating to biodiversity can be found in Section 8.8.
- Outstanding matters relating to flooding can be found in Section 8.7.
- Outstanding matters relating to bushfire can be found in Section 8.7.
- Outstanding matters relating to agricultural impacts can be found in Section 8.7.
- Outstanding matters relating to cultural heritage can be found in Section 8.9.
- Outstanding matters relating to contamination can be found in Section 8.9.
- Outstanding matters relating to traffic can be found in Section 8.11.

Manufactured home estate (land lease community)

- An updated draft Planning Proposal report was received on 21 January 2025 that included a formal request to consider an additional permitted use within the subject site.
- The updated report seeks (amongst other matters) to '*Introduce an additional permitted use on a designated part of the site for 'Caravan parks' to facilitate the development of a manufactured home estate*'.
- Assessment of the proposed additional permitted use is discussed in Section 5.6.
- This report recommends not supporting the proposed additional permitted use.

Open space provision and distribution

- The Recreation, Open Space and Community Strategy (ROSC), sets out the standards for the provision of open space in Wagga Wagga.
- The proposed open space requirement has been met by virtue of the quantum of open space being provided. However, the distribution of this open space does not meet the requirements of the ROSC.
- This results in three (3) of the four (4) local parks being less than the minimum 1 hectare required.
- This report recommends that Council resolve to ensure delivery of open space that is consistent with the ROSC.
- This matter is further discussed in Section 8.4

School infrastructure

- Ongoing discussions with the Department of Education has indicated that the land allocation of 3 hectares is sufficient area for consideration of a primary school.
- Further detailed analysis is required by the Department to determine whether a high school is required, the future land should this be required has been identified as '*Investigation Area for Educational Facilities – subject to further review*'.
- Council staff expect that further engagement with the Department will occur as part of the Gateway Determination process.

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 Planning Proposal.

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

- a statement of the objectives or intended outcomes of the proposed instrument,*
- an explanation of the provisions that are to be included in the proposed instrument,*
- 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),*
- 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,*
- 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 in detail within this report.

Recommendation

Overall, this assessment report recommends and confirms that the draft Planning Proposal has **strategic merit and site-specific merit**. The high-level objectives and intended outcomes are **supported**. Detailed recommendations are provided in Section 11.

Whilst there are outstanding documentation requirements, this assessment report confirms that they do not warrant refusal and that these matters are appropriate to manage, update and complete during the Gateway Determination process.

This report recommends that Council support the proposal in-principle and direct staff to lodge the draft Planning Proposal with the Department of Planning, Housing and Infrastructure requesting Gateway Determination. In lodging the draft Planning Proposal to DPHI, staff will request the remaining matters be conditioned on any favourable Gateway Determination and ensure completion prior to formal public exhibition of the proposal.

Disclaimers:

- For the purposes of this Assessment, the Proposal has been assessed as a whole (Zone 1), unless reference is made specifically to either the Rowan site or Sunnyside site.

- The assessment considers the Planning Proposal application as currently lodged by Urbis dated February 2025 along with the addendum prepared by Council staff as a single application, unless specific reference is made to the Urbis application or the Council prepared addendum.

1. Overview

APPLICATION NO:	LEP24/0003
APPLICANT:	Cameron Beames (Rowan Village Pty Ltd) On behalf of: <ul style="list-style-type: none">• Rowan Village Pty Ltd (Devcore Property Group Pty Ltd)• Sunnyside Ventures Pty Ltd
APPLICATION DESCRIPTION:	Southern Growth Area – Zone 1
PROPOSAL SUMMARY:	<ul style="list-style-type: none">• Rezone the subject land from RU1 Primary Production zoned land and R5 Large Lot Residential to the following mix of land use zones:<ul style="list-style-type: none">○ R1 – General Residential○ R3 – Medium Density Residential○ R5 – Large Lot Residential○ RE1 – Public Recreation○ E1 – Local Centre○ SP2 – Infrastructure (School)• Remove the minimum lot size of 200 hectares and 2 hectares.• Apply a minimum lot size of 2,000m² for the proposed R5 Large Lot Residential zone.• Amend the 'Urban Release Area Map' to include the subject land.• Amend Clause 5.1 to identify the land to be zoned SP2 and the relevant acquisition authority.• Amend the 'Land Reservation Acquisition Map' to identify the school site.• Introduce a new local provision to Part 7 (new draft clause 7.14).• Introduce a new 'clause application map' to identify the land to which the clause will apply.• Introduce a new local provision to Part 7 (new draft clause 7.15)• Introduce a ' Dwelling Density Map' to identify the relevant densities to apply to the subject land.• Introduce an additional permitted use on a designated part of the site for the purpose of 'Caravan parks' to facilitate the development of a manufactured home estate.• Introduce an 'Additional Permitted Uses' Map to identify the location of the proposed additional permitted use.
SUBJECT LAND:	Street Address: <ul style="list-style-type: none">• 7066 Holbrook Road, Rowan NSW 2650,• 456 Plumpton Road, Rowan, NSW 2650

- 474 Plumpton Road, Rowan, NSW 2650
- 16 Lloyd Road, Springvale, NSW 2650

Legal Description:

- Lot 18 DP1054800, Lot 24, 26, 43, 65 and 66 DP757246, Lot 23 DP1063399, Lot 1 and 2 DP1171894, Lot 23 DP757246, Lot 25 DP757246, Lot 1 DP870056

CURRENT LEP PROVISIONS: Land Zoning: RU1 Primary Production and R5 Large Lot Residential
Minimum Lot Size: 200 hectares and 2 hectares

CURRENT DCP PROVISIONS: Wagga Wagga Development Control Plan 2010 Parts A and B and Part D, Section 7 – Subdivision and Section 8 Rural Development.

LAND OWNER(S) Refer to confidential attachment.

ASSESSING OFFICER: Matthew Yeomans – Senior Strategic Planner

Table 1 – Documents Lodged

Document	Author/date
Planning Proposal	Urbis, dated February 2025
Aboriginal Cultural Heritage Assessment Report	Urbis, Rowan Village Aboriginal Cultural Heritage Assessment (ACHA), dated 14 December 2023 (unredacted). Waters Consultancy Pty Ltd, Rowan Village Cultural Assessment Report, dated December 2023 (unredacted). PastTraces Heritage Consultants, Sunnyside Estate ACHA and Archaeological Report, dated 23 November 2023 (unredacted).
Bushfire Report	Ecological Australia, Rowan Village Strategic Bushfire Study SGA, dated April 2022 Ember Bushfire Consulting, Sunnyside Bush Fire Assessment Report, dated November 2023
Contamination or Remediation Action Plan	Douglas Partners, Rowan Village Site Investigation, dated April 2022 Fortify Geotech, Sunnyside Preliminary Environmental Assessment Report, dated June 2024 (received 18 December 2024).
Draft Development Control Plan	Urbis, Draft Zone 1 Site Specific DCP, dated December 2023
Flood Risk Management Report	Infrastructure and Development Consulting, Site and Precinct Stormwater Management Strategy, dated December 2023
Biodiversity Report	Ecological Australia, Rowan Village Draft BDAR, dated December 2023 Capital Ecology, Sunnyside Draft BDAR, dated December 2023 Capital Ecology, Plumpton Road Draft BDAR, dated December 2023 Eco Logical Australia, Additional Clarifications, dated 20 June 2024.
Heritage Impact Assessment	Urbis, Rowan Village Heritage Impact Statement, dated Dec 2023
Infrastructure Assessment	Infrastructure and Development Consulting, Infrastructure & Services Delivery Plan, dated Dec 2023
Residential & Retail Demand Assessment	Urbis – December 2023
Social Infrastructure and Open Space Strategy Review	Urbis – 21 December 2023
Sustainable Development Statement	Urbis – December 2023
Transport Management & Access Plan	Ason Group – 22 December 2023
Urban Design Report	Urbis, February 2025

Table 2 – Additional Documents prepared by Council

Document	Author/date
Planning Proposal Addendum	Wagga Wagga City Council, Strategic Planning Team, February 2025

2. Background

In January 2024, Council received a planning proposal (LEP24/0003) to rezone land at 7066 Holbrook Road, 456 and 474 Plumpton Road, Rowan and 16 Lloyd Road, Springvale (known as Rowan Village and Sunnyside). The proposal seeks to rezone approximately 340ha of rural zoned land to create a new urban zoned precinct that will facilitate the development of approximately 2,900 new dwellings.

The proposal is the result of ongoing discussions between Council and the developers of the land (Rowan Village Pty Ltd and Sunnyside Ventures Pty Ltd) since 2021. This land forms Zone 1 of the Southern Growth Area (SGA), which is bordered by Holbrook Road to the west, Rowan Road to the south, Plumpton Road to the east and Lloyd Road to the north.

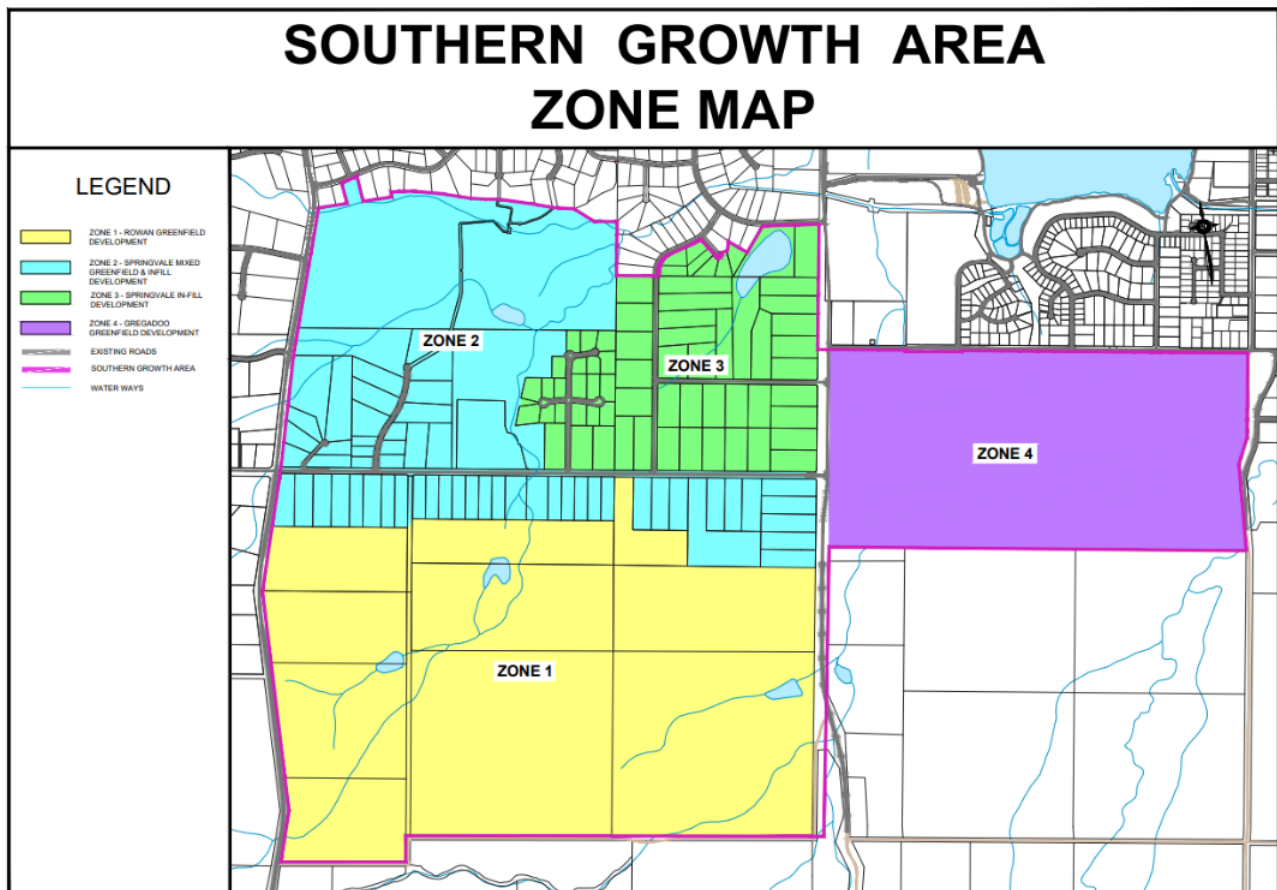


Figure 1 – Southern Growth Area

The SGA is an area of 844.8ha located to the south of Wagga Wagga. It is dissected into four distinct zones. These zones represent different development opportunities and time related contexts.

- Zone 1 (341.6ha) is an area known as 'Sunnyside' and 'Rowan Village'. This Zone is identified as an area that has high development potential because it is in consolidated ownership between two parties and is supported by substantial infrastructure service and delivery modelling that has already been undertaken.
- Zone 2 (222.1ha) features a combination of larger and smaller lots. It is subject to native vegetation and flooding constraints and is a mix of vacant and developed lots with multiple ownerships in the southern portion and consolidated ownership of the larger vacant land in the northern portion.
- Zone 3 (113.4ha) represents a distinct area with consistent larger lot sizes in fragmented ownership. While there may be short term appetite for battle-axe blocks or additional second

dwellings, this type of incremental low-density intensification is an inappropriate short-term approach to development on the urban fringe of Wagga Wagga. Greater intensification needs to be facilitated in this area to achieve a consistent urban fabric and supply suitable housing to the growing Wagga Wagga housing market.

- Zone 4 (167.7ha) is a mix of rural and residential zoning in fragmented ownership.

3. Site and Location

The Planning Proposal relates to the following land:

- 7066 Holbrook Road, Rowan
- 456 Plumpton Road, Rowan
- 474 Plumpton Road, Rowan, and
- 16 Lloyd Road, Springvale

The subject site (the Site) is located to the south of the city of Wagga Wagga in the Wagga Wagga Local Government Area (LGA), approximately 7.5km from the city centre. The site is also known as 'Southern Growth Area – Zone 1' or 'SGA - Zone 1'

The Site comprises 12 irregular allotments with a combined area of approximately 340.98 hectares.

Feature	Description
Street Address	7066 Holbrook Road, Rowan 456 Plumpton Road, Rowan 474 Plumpton Road, Rowan, and 16 Lloyd Road, Springvale
Legal Description	Lot 18 DP1054800 Lot 24, 26, 43, 65 and 66 DP 757246 Lot 23 DP 1063399 Lot 1 and 2 DP 1171894 Lot 23 DP 757246 Lot 25 DP 757246 Lot 1 DP870056
Site Area	340.98ha
Site Dimensions	Northern boundary: 2.459km (including 23.12m access handle) Eastern boundary: 1.219km Southern boundary: 1.469km Western boundary: 1.523km
Easements and Restrictions	Easement for electricity purposes within Lot 43 DP757246 and Lot 24 DP757246 and Lot 23 DP757246. Easement for drainage of sewage is 2m wide in Lot 1 DP1171894
Site Topography	The western portion of the site grades downward in a south-western to a north-eastern direction. The eastern portion of the site has a relatively flat topography.

Feature	Description
Vegetation	<p>In the west of the site vegetation has been cleared for agricultural purposes except for some trees along roads and drainage lines. There is also some remnant vegetation within this area. A modified ring tree is also present along the south-western boundary.</p> <p>To the east of the site there is a history of agricultural use and land clearing. Exotic species dominate the north and south of this portion of the site.</p>
Bushfire	The entire site is identified as Bushfire Prone Land.
Services and Utilities	There are very few services and utilities currently servicing the site as its current use is primarily agricultural.
Hydrology	Informal drainage and creek lines are present around the riparian corridors that traverse the site.
Heritage	The site is located 280m north of the local heritage item I189 known as 'Rowan, dwelling' under the Wagga Wagga Local Environmental Plan 2010.

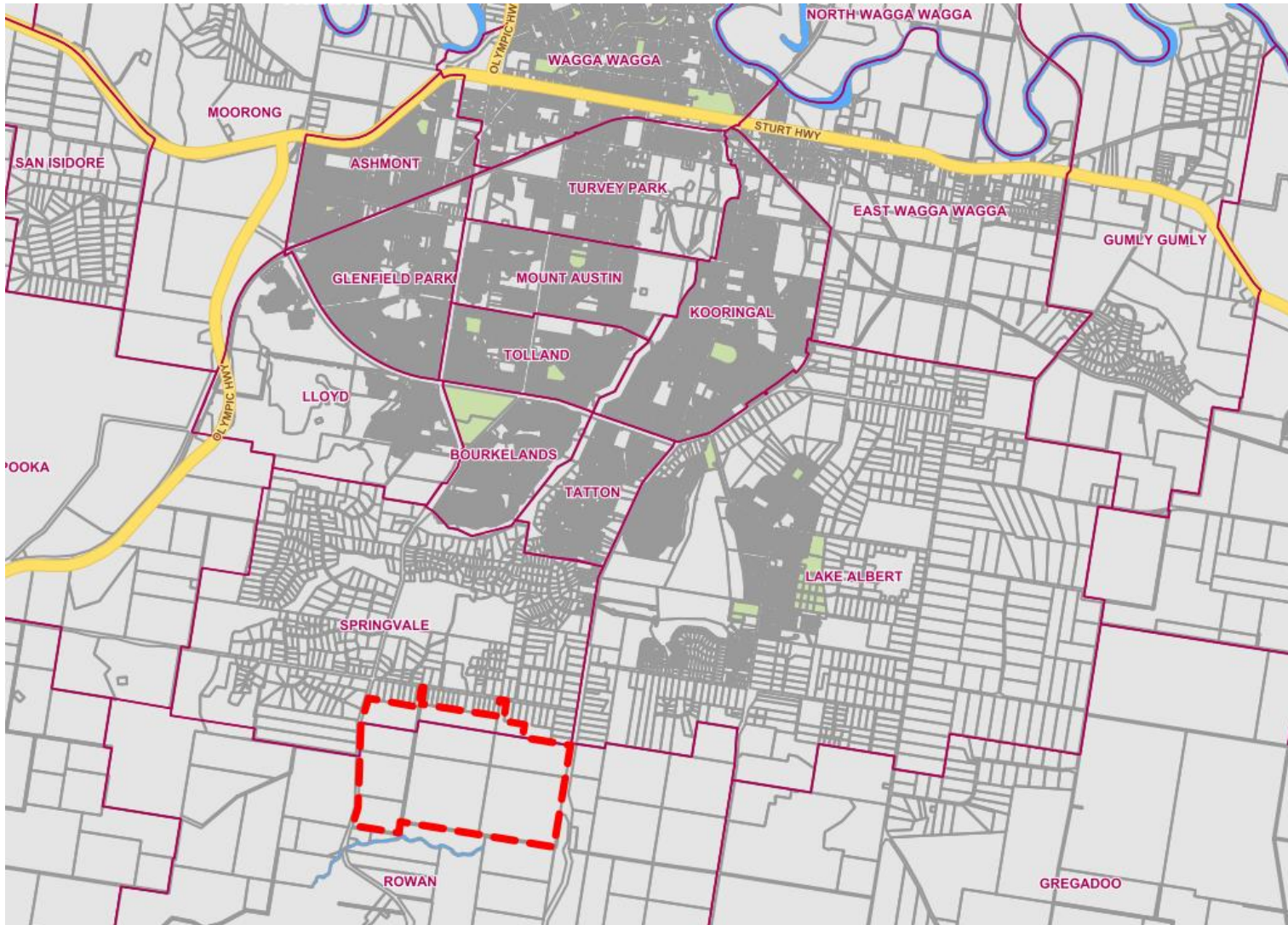


Figure 2 – Context map of SGA Zone 1 (land denoted by red dash)

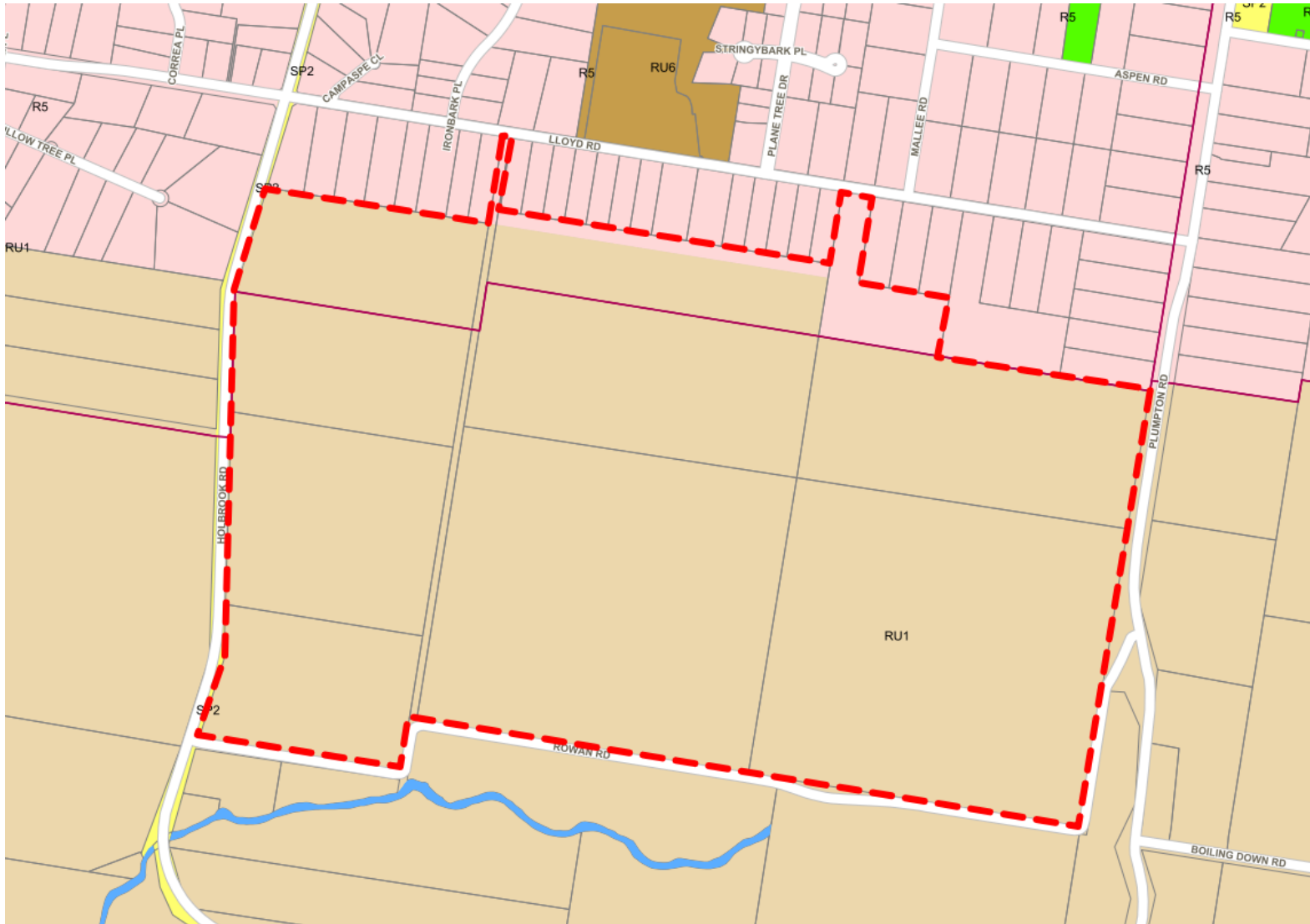


Figure 3 – Existing zoning map (Zone 1)

4. Objectives and intended outcomes

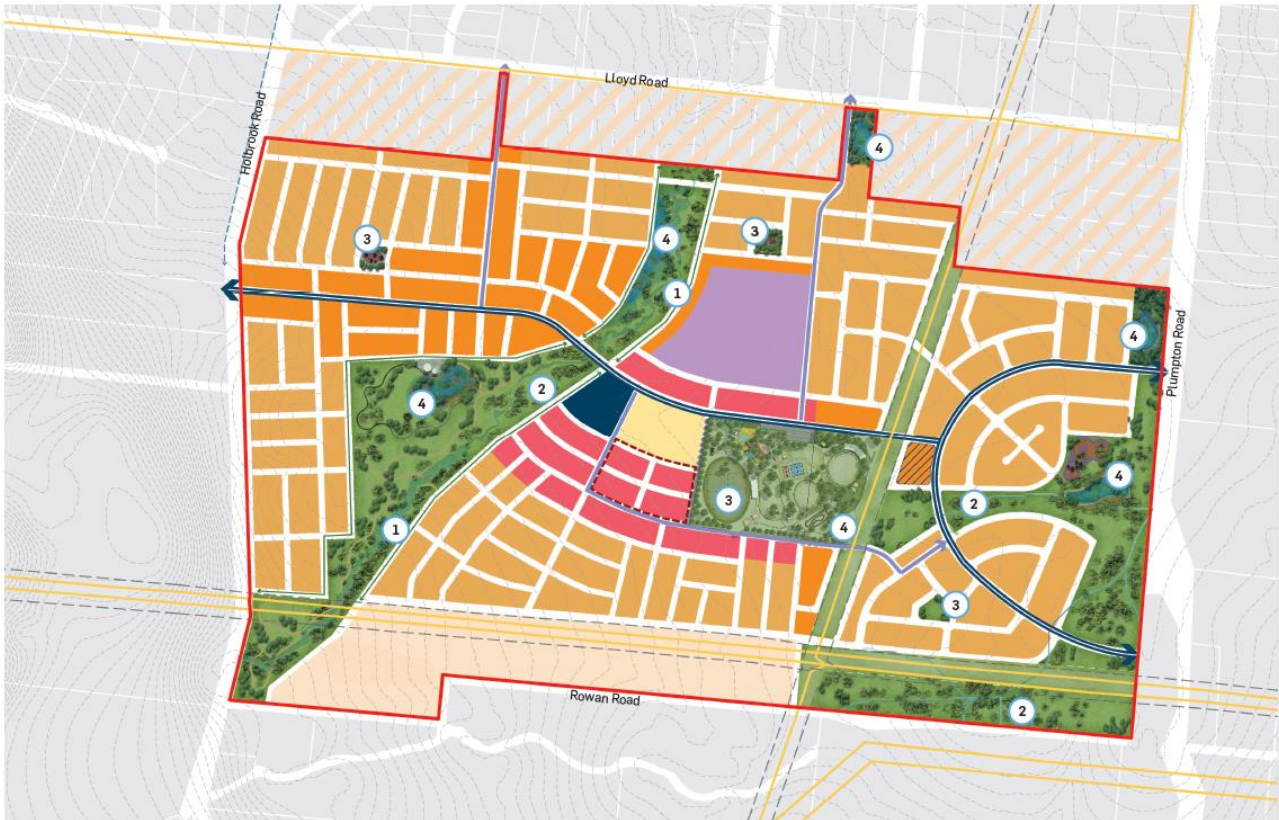
The objectives as outlined in the draft Planning Proposal are outlined below:

The primary objective of this Planning Proposal is to unlock Zone 1 of the Southern Growth Area (SGA) and catalyse the development through the establishment of a new community consisting of circa 2,900 dwellings that supported by enabling infrastructure and services. The indicative master plan is outlined in Figure 4.

The proposal is intending to deliver a precinct that:

- Supports the region's growing population, and Council's aspiration for housing and population targets by enabling the active supply of a diverse range of housing typologies and residential lot sizes.
- Provides new open space and active transport opportunities that will enhance connectivity within the site, to the broader SGA and Wagga Wagga,
- Retains, enhances and protects the existing significant environmental qualities, biodiversity and waterways on the site.
- Contributes to the region's local economy through the introduction of a village centre and associated retail and other community uses.
- Supports robust, planned and sequenced public infrastructure and services, which has been staged and carefully planned to ensure housing delivery aligns with sustainable infrastructure capacity and delivery.
- Enables and delivers housing density, diversity and distribution that reflect the growing needs of the Wagga Wagga community.

Comment: The objectives of the Planning Proposal are sound and the application of these objectives in consideration of the wider strategic planning framework and principles are further assessed and discussed throughout this report. Council has provided significant guidance and feedback and worked collaboratively with the proponent to ensure that the future outcomes of this precinct deliver a healthy, sustainable and well-planned precinct that reflects the growing needs and demands of our community.



INDICATIVE MASTER PLAN

LEGEND

- Rowan Village Site Boundary**
The site has a total area of 342.03 Ha.
- 1 **Primary Watercourse**
The primary watercourse of the riparian corridor is categorised as Strahler stream order 2 and 3.
- Easements**
The existing electricity transmission line is located on the southern and northern side of the site.
- 2 **Riparian Corridor**
The Riparian Corridor includes a high order water course and allows for a buffer of 20-30m from the top of bank on each side. It runs through the east and west of the site and is integrated wholly into the open space network.
- 3 **Local Parks**
Parks are planned to deliver quality open space within a 400m radius. In combination with passive open spaces along the riparian corridor, they create a connected network of open spaces across the site.
- Village Centre**
The local Village Centre will support a range of retail and non-retail uses and community facilities, including a childcare centre, medical centre and a multi-purpose community facility to support the needs incoming population as well as broader population growth as part of the broader Southern Growth Area.
- School**
- Investigation Area for Educational Facilities - subject to further review**
- Potential location of additional local shops/restaurant**
- 4 **Drainage Basin**
Seven (7) drainage basins have been proposed to appropriately manage water flows.
These are designed with both inaccessible wet basins and dry basins with limited accessibility, including landscape buffer's and walking pathways.
- Major Collector Road**
The East-West collector road is proposed at the central location of the site. It provides connection from Holbrook Road and Plumpton Road through the site. The major project connection creates a network with off-road active transport and public transport options included.
- Minor Collector Road**
Minor collector road will be the main access routes to the site from Lloyd Road.
- Council Proposed Cycle Network**
The proposed active transport network within the site connects to Council's proposed network within the broader context.
- Park Road**
Park Road is located at the interface with the riparian corridor. It is a green road with tree canopies and active transport routes and provides recreational purpose in addition to accessibility.
- Rural Transition (R5 Large Lot Residential)**
These residential lots will be located along the southern boundary of Rowan Village and will be the largest residential lot typology. This lot typology will importantly provide an appropriate transition between the site and the adjacent rural context to the south of Rowan Road.
- Neighbourhood Residential Area (R1 Standard Mixed Residential)**
A range of suitable standard density residential lots will be accommodated within close proximity to open space provision and the riparian corridor network. This lot typology will provide the appropriate transition between the village central residential lots and the rural transition lots. A diversity of lot sizes will be delivered through the neighbourhood residential lot typology.
- Village (R3 Medium Density Residential)**
These lots will be a transition between the R1 low density residential and R3 medium density residential with a mix of small lots and larger lots.
- Village Central (R3 Medium Density Residential)**
These residential lots will leverage off the close proximity to the local centre and its associated amenities and offerings. Fundamentally, these residential lots will still uphold the medium Density Residential housing character that the site will deliver, whilst ensuring that an appropriate diversity of housing choice is delivered.
- Seniors Living**
The senior living component is located adjacent to the collector road, the village centre and the local open space to take advantage of the high amenity and accessibility.
- Potential further investigation area**
The R5 Large Lot Residential zoned lands that adjoin the northern boundary of the site, and located along the southern side of Lloyd Road, present an opportunity for further investigation.

Figure 4 – Proposed Indicative Master Plan

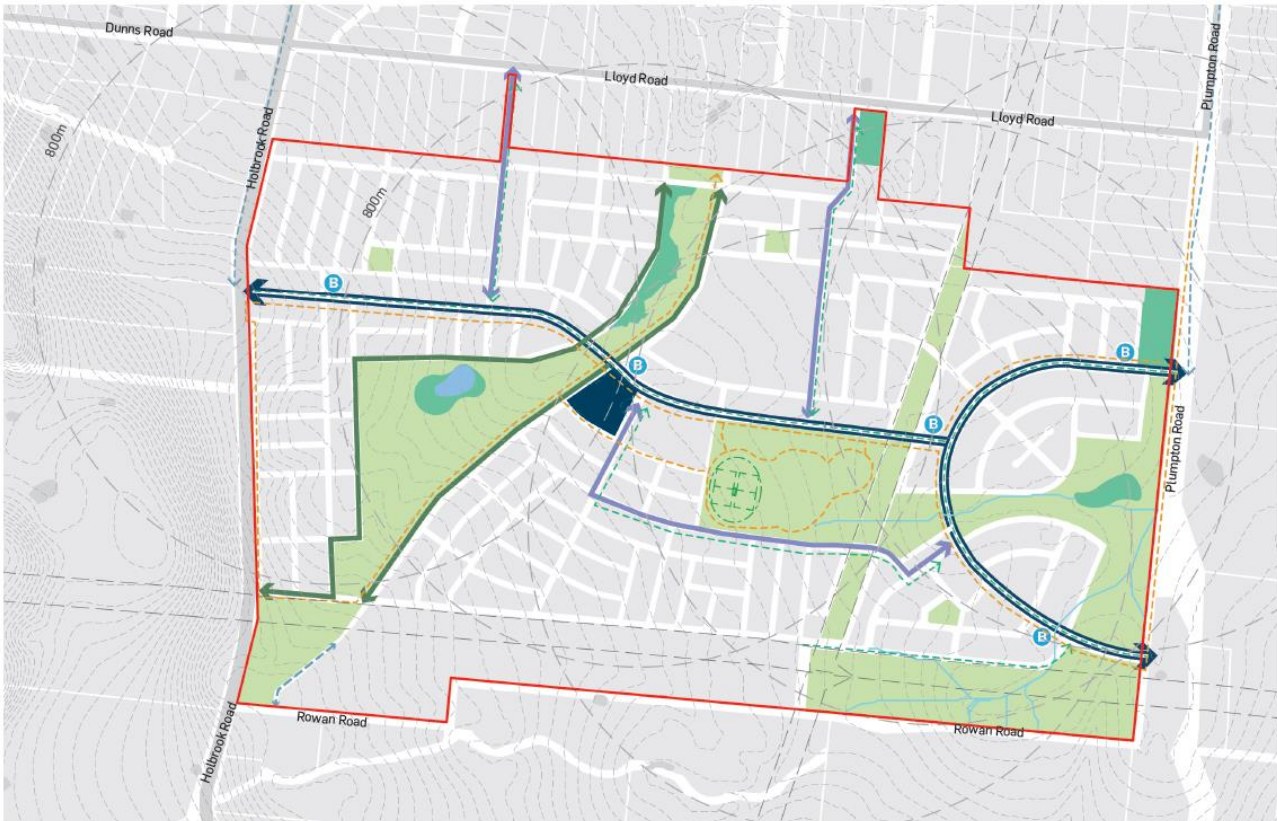


Figure 36 Indicative Road Network Principles

INDICATIVE ROAD NETWORK PRINCIPLES

The indicative road network aims to connect the site to its surrounding context and it provides legible, permeable and walkable neighbourhoods.

The site includes two sets of road networks for Sunnyside and Rowan Village. This includes:

Major Collector Road

The East-West Collector Road at the central location of the site provides connection from Holbrook Road and Plumpton Road.

Minor Collector Road

Primary Local Streets will be the main access routes to the site from Lloyd Road. They include active transport network.

Local Street

The Local Street network provides connection throughout different neighbourhoods and designed to create a safe environment for pedestrian through traffic calming principles.

Park Street

Park Street is located at the interface with the residential area and the open space. It includes active transport routes along the edge of the riparian corridor.

Emergency Road

The proposed 6m Emergency Road supports the residential lots on the south-western corner of the site in fire events.

Public transport Route

There is an opportunity for east-west public transport link through the Collector Road to connect the site to its broader context.

Active transport Network

The site is supported by a connected network of active transport routes. The Collector Road, Primary Local Street and Park Street support off-road dedicated active transport paths. The active transport connection has also been provided to connect both sides of the riparian corridor.

LEGEND

	Rowan Village & Sunnyside Site Boundary
	Main Road within the local context
	Major Collector Road
	Proposed Major Collector Road
	Minor Collector Road
	Proposed Minor Collector Road
	Local Road-Site
	Park Street
	Emergency Road
	Active transport network
	Council proposed cycle network
	Local Centre
	Open space for outdoor recreation and sporting facilities (including riparian corridor)
	Drainage Basins
	Bus Stop
	Easement

Figure 5 – Road Network and Transport Connectivity

5. Explanation of provisions

5.1. Overview

The Planning Proposal seeks to amend the *Wagga Wagga Local Environmental Plan 2010* (LEP) to achieve the following matters outlined below.

Table 3 – Intended provisions – detailed

Mechanism	Existing Provision	New Provision
Rezone land	RU1 Primary Production	R1 – General Residential R3 – Medium Density Residential R5 – Large Lot Residential RE1 – Public Recreation E1 – Local Centre SP2 – Infrastructure (School)
Amend minimum lot size map	200ha and 2ha	Remove the minimum lot size of 200 hectares and 2 hectares. Apply a minimum lot size of 2,000m ² for the proposed R5 Large Lot Residential zone.
Introduce a new local provision to Part 7 (clause 7.14)	No existing clause	Introduce site specific provisions for the Southern Growth Area. Draft wording of the clause is provided in the addendum.
Introduce a 'clause application map'	No existing map	Map to identify 'Southern Growth Area – Zone 1' as 'Area 1'
Introduce a new local provision to Part 7 (clause 7.15)	No existing clause	Introduce provisions the enable dwelling densities to be achieved. Draft wording of the clause is provided in the addendum.
Introduce a 'Dwelling Density Map'	No existing map	Map to identify proposed dwelling densities.
Urban Release Area ('URA') provisions	Provision does not currently apply	Amend URA map to include the subject area.

Mechanism	Existing Provision	New Provision
Acquisition	Amend existing clause to include new provision.	Insert in appropriate order in clause 5.1(2), table— Zone SP2 - Infrastructure and marked “School” with the relevant acquisition authority being the Minister for Education and Early Learning.
	Amend existing map	Amend the ‘Urban Release Area Map’ to include the subject land.
Additional Permitted Use	Amend Schedule 1 of the LEP.	Introduce an additional permitted use on a designated part of the site for the purpose of ‘Caravan parks’ to facilitate the development of a manufactured home estate.
	No existing map	Introduce an ‘Additional Permitted Uses’ Map to identify the location of the proposed additional permitted use.

Table 4 – Summary & Recommendations – explanation of provisions

Matter	Comment
Summary of Assessment	The proposed mechanisms seek to enable appropriate zoning that reflects the intended future use of the land, enables diversity, density and distribution of housing that enables the development of a minimum 2,900 dwellings. The provisions proposed also adequately consider other administrative requirements such as acquisition authorities and supporting mapping.
Recommendation	Refer to individual recommendations in the following sections.

5.2. Local clause provisions

The draft planning proposal prepared by Urbis has sought to incorporate discussions had been the proponent and staff over the past several months about density, diversity and distribution of housing within SGA Zone 1.

The need to consider density, diversity and distribution is paramount to ensuring housing delivery that aligns with population demographics, housing need and changing attitudes and perspectives to housing.

The draft Planning Proposal seeks to introduce two site-specific additional local provisions:

1. A local provision that enables the delivery of a minimum number of dwellings per hectare, and
2. A local provision that requires that development in Zone 1 is generally in accordance with the ‘Design Principles’ in Appendix A – Urban Design Report (i.e. providing it statutory weight)

Council staff and the proponent have previously discussed the elements that would make up the local clause, however the updated draft Planning Proposal received in Jan 2025 did not reflect these discussions. Accordingly, staff will include these additional considerations within the addendum.

The second local provision above will also include:

- Objectives to support the intent of the proposed local clause and guide future assessment of development applications in Zone 1.
- Administrative matters to enable appropriate implementation.
- Controls to ensure that development within Zone 1 is consistent with the Structure Plan and guidelines outlined in the Urban Design Report.
- Provisions which require a detailed masterplan to be prepared for the future commercial zoned land (discussed further below).

The full provisions will be outlined in an Addendum prepared by Council to ensure the entire intent of the clause is realised.

5.3. Density, diversity and distribution

Council and the proponents have sought to agree how 2,900 dwellings will be accommodated within Zone 1 of the SGA. Council staff have focused on the density of residential development to be achieved, how diversity of residential outcomes can be delivered and how these outcomes can be spatially planned across the site.

Whilst the planning proposal seeks the rezoning of land to deliver circa 2,900 dwellings, the proponent has recently indicated that, while it is their commercial interest to maximise development outcomes in Zone 1, they cannot commit to the delivery of 2,900 dwellings in Zone 1 and will instead seek to deliver a minimum of 2,515 lots. It is anticipated that some of these lots will be subdivided for medium density, which will increase the overall dwelling yield above this figure.

The yield needs to be as accurate as possible as this is the basis on which Council staff will model the contributions income against costs. The documentation received from the developer mentions 2,900 dwellings, however the most recent offer to enter into a planning agreement references 2,678 lots (which is greater than the minimum lot yield mentioned above).

To ensure the rezoning will deliver 2,900 dwellings, Council staff have investigated a range of mechanisms including a review of potential minimum lot sizes, maximum lot sizes and minimum dwelling yield requirements to secure appropriate outcomes.

A minimum dwelling yield mechanism has been agreed with the proponent as the best mechanism to deliver the desired housing outcomes, however the actual dwelling density calculation remains in contention. Figure 6 below outlines the proponents proposed dwelling density scenario.

Density Area	Net Developable Areas (Including roads)	Saleable Land Area (Excluding roads)	Average lot size	Minimum Yield	Minimum Net Residential Density (Dw/Ha)
R3 Medium Density - Village Central	187,421	129,623	375	346	18
R3 Medium Density - Village	379,208	249,802	550	454	12
R1 General Residential - Neighbourhood	1,418,560	1,003,799	700	1,434	10
R5 Large Lot Residential - Rural Transition	279,731	236,170NA		51	
Seniors Living	110,537	110,537NA		230	
TOTAL	2,375,457			2,515	11

Figure 6 – Proponent’s proposed dwelling densities.

The proponent has put forward three tiers of dwelling density, which align with the proposed zoning of R1 – General Residential and R3 – Medium Density Residential. The R3 zone is further split into an ‘inner area’ (dark pink) and ‘outer area’ (light pink). The distribution is agreed (see Figure 7 below).

The table below provides a summary of the proposed density rates and the associated yield, noting that Council staff are proposing higher density figures in the R3 zone.

Table 5 – Proposed Densities and yield (lots)

Zoning	Proponent proposed density	Proponent min. yield	Council proposed density	Council min. yield
R3 – Medium Density (inner)	18 dw/ha	346	28 dw/ha	518
R3 – Medium Density (outer)	12 dw/ha	454	22 dw/ha	833
R1 – General Residential	10 dw/ha	1,434	10 dw/ha	1,434
R5 – Large Lot Residential	N/A	51	N/A	51
Seniors Living	N/A	230	N/A	230
Total		2,515		3,066

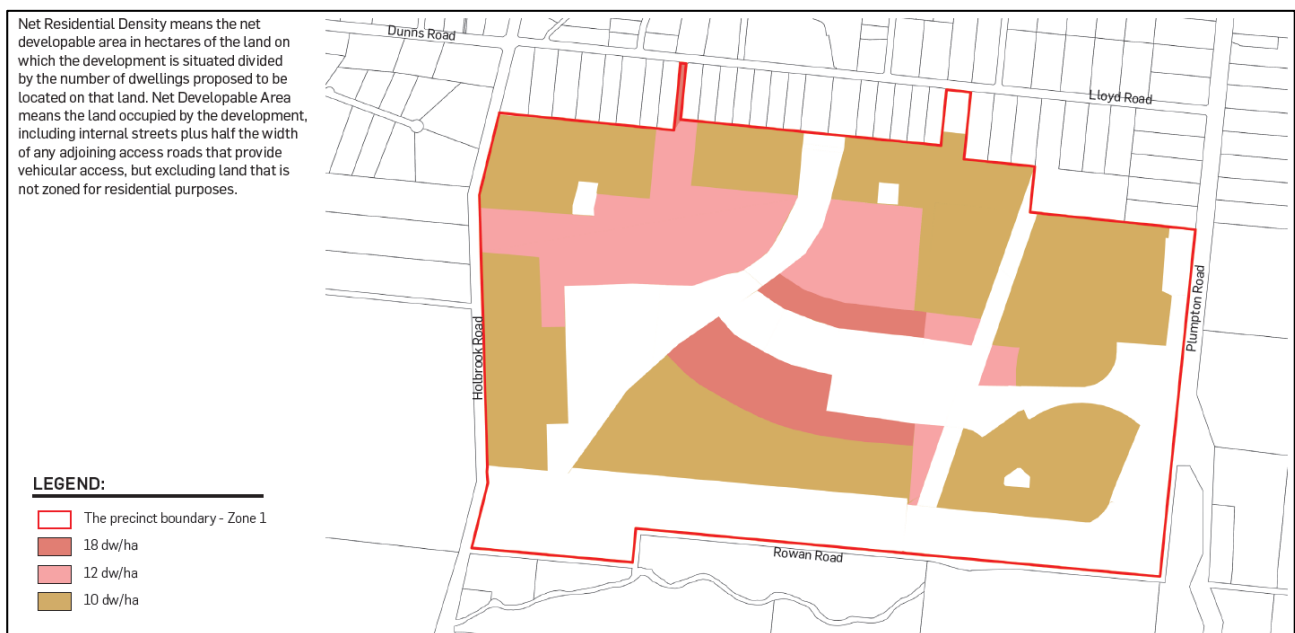


Figure 7 – Density areas (including the proponent densities)



Figure 8 – Proposed zoning layout.

The proponent's density proposes 18 dwellings/per hectare (dw/ha), 12dw/ha and 10dw/ha. This results in a minimum yield of 2,515 lots. The assessment of the proposed densities is outlined below:

- It is acknowledged that these figures set the minimum density, there is no restriction on the developer or future developers of medium density development to achieve a higher yield. Therefore, the control does provide flexibility to grow to align with 2,900 dwellings across the precinct.
- The yield is significantly lower than the intended 2,900; this creates potential risks for Council where only the minimum is provided, and infrastructure provision has expected greater densities. This leads to an inefficient delivery of key infrastructure that Council cannot sustainably fund without security that funds can be recouped through s7.11 and s64 contributions which are tied to a minimum yield.
- The lower densities will achieve average lot sizes of 375m², 500m² and 700m² respectively. The densities proposed in the R3 zone are significantly lower than the maximum lot size Council currently require for R3 development under the existing controls in the DCP. Existing R3 development in Wagga Wagga cannot provide lots greater than 300m². The proposal will result in unintended outcomes in terms of density and diversity of housing. Higher lot sizes have anecdotally under delivered the provision of diverse housing that provides a departure from standard separate dwellings which currently consist of 85.5% of Wagga's housing stock¹. Conversely, smaller lot sizes can enable and encourage other typologies (such as attached townhouses, multi-dwelling housing, attached dual occupancies) which currently only account for 4.8% of housing in Wagga Wagga².
- The proposed density requirements will benefit from the ability to be varied under clause 4.6 where there is justifiable merit based on the relevant tests for considering a variation as part of a subdivision DA process (i.e. to protect vegetation or enable a certain opportunity).

¹ Wagga Wagga 2021 Census Quick Stats - <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA17750>

² Ibid

Further opportunities to guide and facilitate diversity and appropriate built form outcomes will be delivered through the preparation and assessment of the draft Development Control Plan.

It is also advised that Council are proceeding on the basis that the senior's living site is included in the density requirements as this is what is reflected in the supplied mapping. The proponent has advised previously that they did not want the senior's living site to be included in the density provisions. However, despite several attempts to advise the proponent that their mapping did not reflect this sentiment, it was not updated. Staff therefore have assessed the application on this basis as this is what has been submitted.

Council's addendum will propose dwelling densities of 28dw/ha, 22dw/ha and 10dw/ha respectively. Council's addendum will also seek the implementation of a 'restricted dwelling yield' (dwelling cap) to ensure that appropriate infrastructure planning is undertaken to solve the current water and sewer constraints. The dwelling cap will be removed once appropriate provision has been made (such as satisfaction of [clause 6.2](#) of the LEP). The cap will ensure that that public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to determine when that infrastructure will be available to align with the broader implementation and development of Zone 1.

Density Area	Net Developable Areas (Including roads)	Saleable Land Area (Excluding roads)	Average lot size	Minimum Yield	Minimum Net Residential Density (Dw/Ha)
R3 Medium Density - Village Central	187,421	129,623	250	518	28
R3 Medium Density - Village	379,208	249,802	300	833	22
R1 General Residential - Neighbourhood	1,418,560	1,003,799	700	1,434	10
R5 Large Lot Residential - Rural Transition	279,731	236,170	NA	51	
Seniors Living	110,537	110,537	NA	230	
	2,375,457			3,066	13

Figure 9 – Council's proposed dwelling densities.

Table 6 – Summary & Recommendations – Density, diversity and distribution

Matter	Comment
Recommendation	The mechanism and distribution for the density targets are appropriate and are not in contention. The proposed yield figures put forward however, do not align with Council's vision of developing 2,900 dwellings in the Zone 1 precinct. Council have put forward alternative density figures, and these are supported and explained above, along with the addendum prepared by staff.

5.4. Statutory weight of structure plans

Typically, structure plans are not supported by a planning instrument (such as an LEP) that triggers specific consideration of that plan in a Section 4.15 assessment under the EP&A Act 1979 (i.e. development application assessment). There is no legislative requirement to consider a masterplan or structure plan unless a specific provision is developed and implemented in a relevant planning instrument.

Whilst the DCP is a mechanism that could provide these outcomes, it is subordinate to the Wagga Wagga LEP and where an inconsistency exists, the LEP will prevail. Accordingly, the use of the

DCP as a mechanism does not demonstrate the clear intent of Council to achieve these outcomes and is at risk of being ‘watered down’ through inconsistencies and variations sought via the application of section s4.15(3A) of the EP&A Act.

In a situation where there is no statutory weight behind its implementation, it would be difficult for Council to reject or refuse an application that is inconsistent with the plan.

At a basic level, statutory weight can be implemented via a DCP provision with specific reference to a report or design. Development controls can also be designed and developed to create specific matters for consideration. However, DCP’s are limited in enabling the effectiveness of enforcing prescriptive consideration through an LEP when assessing a development application.

To provide future certainty and delivery of the structure plans vision for Zone 1 a local clause will enable appropriate statutory weight ensuring that subdivision layouts, open space provision and other key infrastructure requirements are implemented.

Table 7 – Summary & Recommendations – Statutory weight of structure plans

Matter	Comment
Recommendation	It is recommended that a reference to the Urban Design Report is made in a local clause, thus giving it appropriate statutory weight and an ability to implement the vision of Zone 1.

5.5. Future commercial centre

There is currently limited detail regarding the future development of the commercial local centre contained within the draft Planning Proposal package. Council wants to ensure that the development of this site is appropriate and considers a broad range of matters including, but not limited to:

- Appropriate connectivity to adjoining open space, school and passive recreation areas.
- Public realm outcomes that enable appropriate locations for off-street parking, pedestrian connectivity, public plaza/shared spaces/third spaces.
- Landscaping and urban cooling opportunities
- Urban design outcomes (i.e. avoidance of blank walls), activation of spaces and streetscapes etc.

Requiring a site-specific masterplan for this area defers the need to implement detailed design controls now that are premature.

The master plan process can be undertaken with the future owner/developer of the commercial site. This also enables the growing community the opportunity to have a say in what their future centre will look like, offer and operate.

This will ensure that future commercial spaces consider opportunities to deliver high value urban design and built form outcomes, good connectivity, and linkages to surrounding key infrastructure. It will identify and deliver further transport and movement outcomes, commercial opportunities and community spaces supported by high quality public domain and landscaping.

Table 8 – Summary & Recommendations – Future commercial centre

Matter	Comment
Recommendation	Inclusion of a requirement to develop a masterplan for the commercial site to enable appropriate, sustainable and well considered development outcomes for the future community of Zone 1.

5.6. Additional permitted use & manufactured home estates

The draft Planning Proposal submitted in December 2023 identified land within the structure plan for the purposes of 'seniors living'. The originally lodged draft Planning Proposal report stated that the 'seniors living' component of the site (along with the other residential typologies proposed was to respond to the '*...demographics of Wagga Wagga and emerging market demands*').

The report also stated: '*increased diversity of housing to meet demographic and cultural change. In particular, the provision of Seniors Living in an area characterised by a variety of social, commercial and health care facilities which are easily accessible.*'

In September 2024 an informal request was submitted to Council along with responses to other outstanding matters. Within this package from the proponent, it was requested that Council consider an additional permitted use for the purposes of a 'manufactured home estate' (MHE) on the seniors living site. The APU is sought as MHE's are prohibited uses in the R1 and R3 zones under the Wagga Wagga LEP. The proponent has advised this is to enable the facilitation of a 'land lease community' (LLC). An explanatory memo was provided by the proponent on 25 October 2024 and 7 November 2024.

Council staff advised that an updated draft Planning Proposal would need to be provided formalising this request. It was advised that on receipt of this information it would be assessed and confirm whether it holds strategic merit to proceed or not.

An 'Additional permitted use' (APU) in Schedule 1 of an LEP and allows a parcel of land to be used for another reason to that permitted by the surrounding zone in the Land Use Table. An APU should only be used if it can be demonstrated the proposed land use is appropriate on the particular parcel of land, but not generally within the zoning.

An updated draft Planning Proposal report was received on 21 January 2025 that included a formal request to consider an additional permitted use within the subject site.

Staff have also met with a potential operator for the seniors living site in January 2025. The potential operator (Ingenia) and their planning consultant (Ethos Urban) presented their prospectus and provided further documentation regarding land lease communities on 16 January 2025 and 24 January 2025.

Importantly, both the proponent (Urbis) and Ethos Urban present differing planning pathways to enable the future development of a land lease community. There are also other examples in NSW whereby land lease communities have also been approved as 'seniors housing' (independent living units).

As the draft Planning Proposal is the application in question, the mechanism put forward by the proponent is the one that has been assessed.

An updated draft Planning Proposal report was received on 21 January 2025 that included a formal request to consider an additional permitted use within the subject site.

The updated report seeks (amongst other matters) to '*Introduce an additional permitted use on a designated part of the site for 'Caravan parks' to facilitate the development of a manufactured home estate*'.

The draft Planning Proposal specifically seeks:

The provisions would seek to enable manufactured home estates (through 'caravan parks') within certain parts of the R3 zone.

The proposed wording of the additional local provision is provided below:

Schedule 1 Additional permitted Uses

7.XX Use of certain land in the Southern Growth Area – Zone 1

(1) This clause applies to land mapped as 'X' on the Clause Application Map

(2) Development for the purpose of a 'Caravan Parks' is permitted with consent in 'Area 1' development will be only for the purposes of a manufactured home estate

Note: For the purposes of Clause (7.XX), a Caravan Park means a development application for the purposes of a Manufactured Home Estate

The assessment confirms that the additional permitted use is not supported for the following reasons.

- The application has not had detailed consideration of Ministerial Direction 6.2(2)(b) which requires an assessment of the principles listed in clause 125 *State Environmental Planning Policy (Housing) 2021*.
- The proposal advises that the MHE does not require subdivision, therefore the principal subdivision of the land will create a larger englobo lot.
- Council should not consider an additional permitted use where a legal planning pathway³ (that is already permitted with consent) is already available under the proposed residential zoning. Introducing an additional provision would be unnecessary and redundant.
- The introduction of the additional permitted use for 'caravan parks' presents a potential risk of unintended consequences⁴. Specifically, it opens the door for developments that may not align with the proponent's intentions for a Residential Land Lease Community (LLC) or Manufactured Home Estate.
- The planning proposal contradicts itself as it asserts that individual development consent would not be required for each dwelling within the Manufactured Home Estate (MHE), which is characteristic of the Residential Land Lease Community model. However, the proposed wording within the draft Planning Proposal also suggests that, despite the MHE being defined under the *Local Government Act 1993*, the development would be characterised as a standard residential development application requiring consent for each dwelling's construction.
- This discrepancy introduces confusion about the application process and whether the proposed development aligns with the operational framework of MHEs. A standard

³ The 'seniors living' site is proposed to be zoned R3 – Medium Density. Both 'multi-dwelling housing' and 'seniors housing' (e.g. independent living units) are permitted with consent in this zone. A land lease community could be developed under these existing land use definitions and permissibility's without the need to seek an additional permitted use.

⁴ Long term risks of the land being uses for caravan park purposes, where there is a clear intent that this is not what is sought by the proponent. The additional permitted use will sit with the land until such time an amendment is made to the LEP to remove it. This is not typically undertaken, so the additional permitted use will likely remain with the land in perpetuity.

residential DA process for each dwelling contradicts the typical approach of MHEs, where individual consents are not usually required.

- Incorporating the matters raised above this creates significant legal complexities and implications with each planning pathway that need to be managed in conjunction with the Development Assessment team. Introducing further legal complexity through an additional permitted use is not recommended. This can include matters such as the characterisation of the land use, interaction of the EP&A Act and LG Act, contributions levies, and post consent approvals pathways.

Table 9 – Summary & Recommendations – APU

Matter	Comment
Recommendation	The introduction of an additional permitted use is not recommended or supported.

6. Mapping

Extracts of the proposed mapping is depicted in the following figures.

It is noted that the mapping for the proposed additional permitted use is not included as it is not supported.



Figure 10 – Proposed land zoning **Source:** Urbis

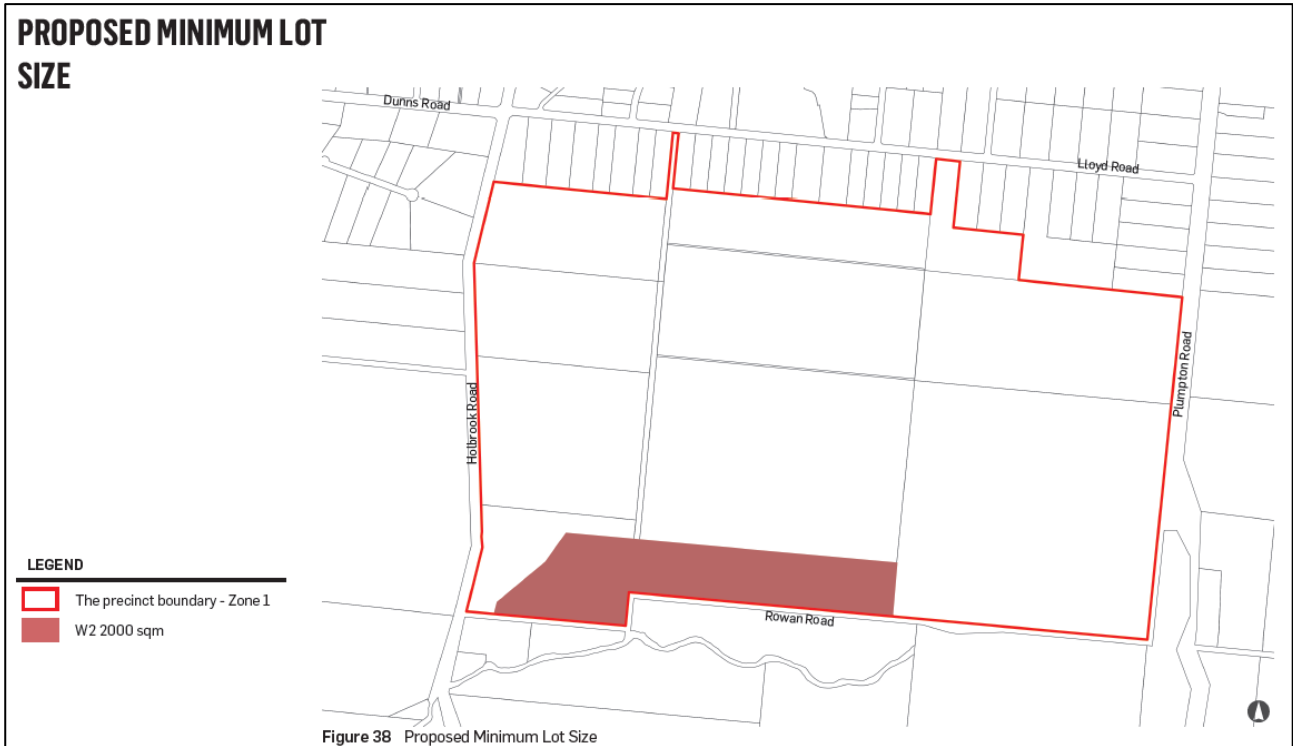


Figure 11 – Proposed minimum lot size **Source:** Urbis

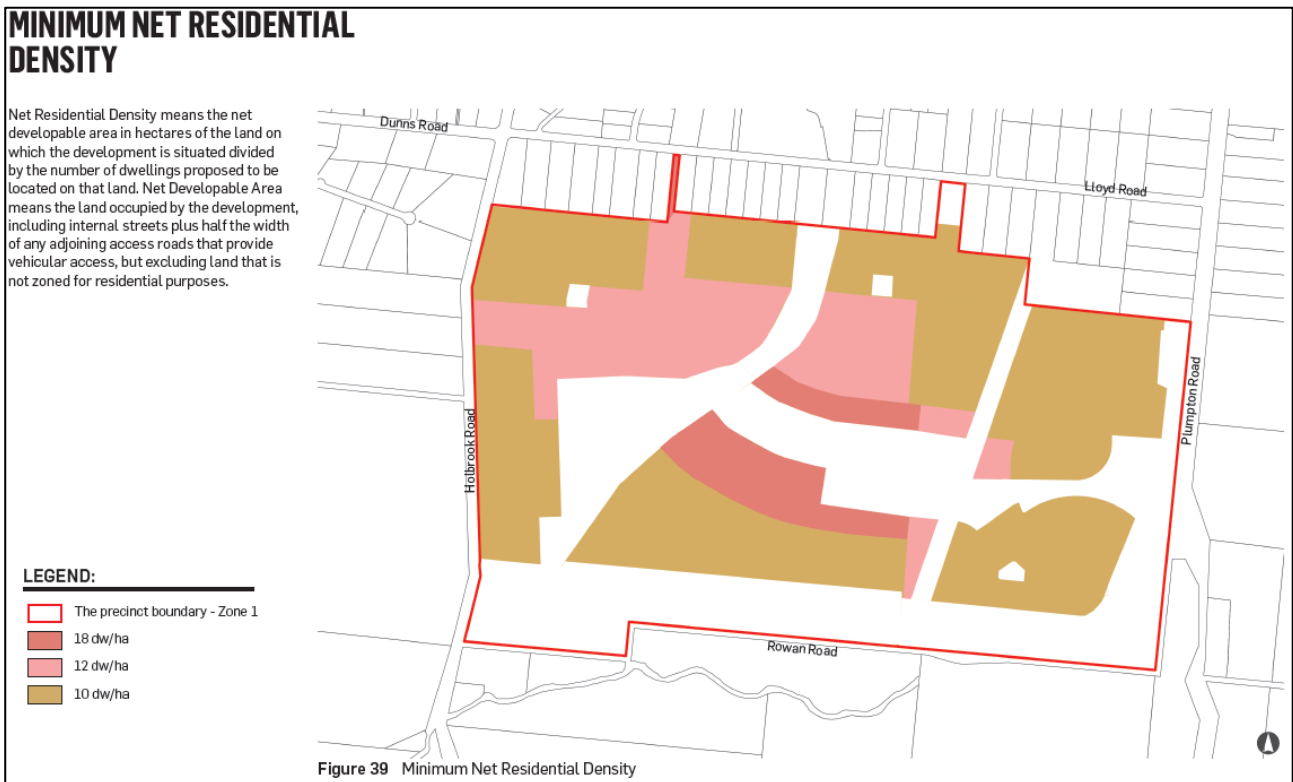


Figure 12 – Minimum Density Map **Source:** Urbis

PROPOSED URBAN RELEASE AREA

PROPOSED WLEP URBAN RELEASE AREA

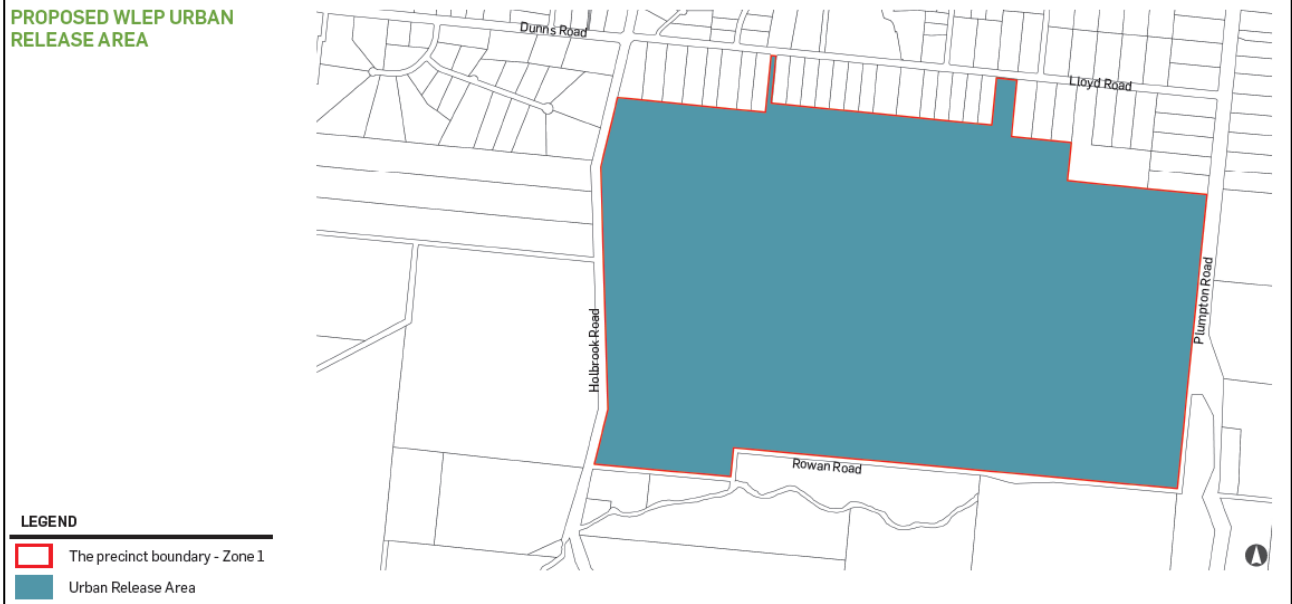


Figure 13 – Proposed urban release area **Source:** Urbis

CLAUSE APPLICATION

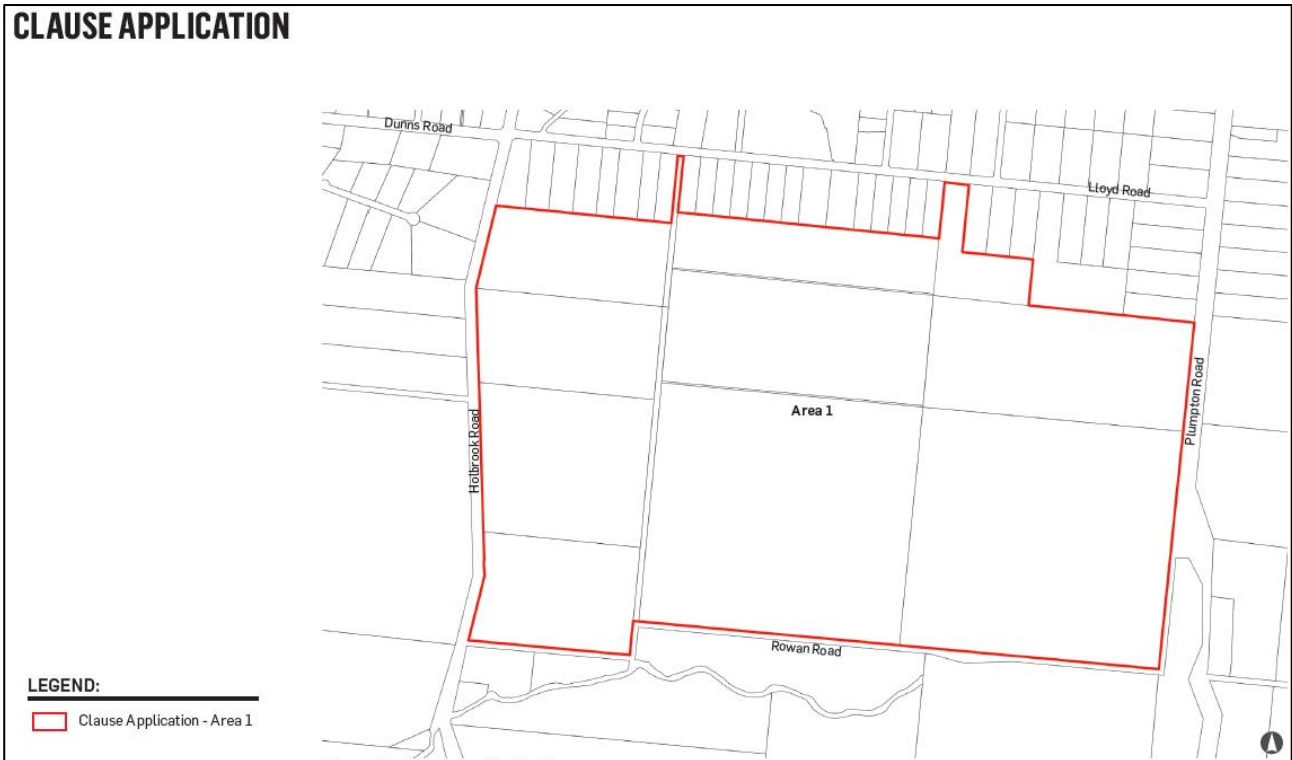


Figure 14 – Clause application map **Source:** Urbis

LAND RESERVATION ACQUISITION MAP



Figure 15 – Proposed land reservation acquisition map **Source:** Urbis

7. Proposed Amendments

The planning proposal is supported by an addendum prepared by Council staff. The purpose of this addendum is to provide additional detail and planning consideration for matters that the original application and report does not include. The addendum was prepared to address this gap and to ensure that appropriate and well considered planning mechanisms were introduced to ensure the development of Zone 1 was delivered in accordance with the vision put forward by the proponent.

The addendum seeks to implement additional detail regarding the local clause for Zone 1 and the density clause.

8. 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. It integrates findings from supporting studies and investigations and provides justification for the proposed amendments to the LEP. It also considers the interaction between these findings and whether the Planning Proposal aligns with the strategic planning framework and context and have any environmental, social, or economic impacts. The assessment in this section has been undertaken in accordance with *Table 3 of the LEP Making Guideline (DPE, 2023)* below.

Table 10 – Summary of Consistency with Table 3 of LEP Making Guideline

#	Question	Consistency & Comment
Section A – need for the planning proposal		
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Refer to Section 8.1.
2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Refer to Section 8.2.
Section B – relationship to the strategic planning framework		
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 8.3.
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 8.4.
5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	Refer to Section 8.5.
6	Is the planning proposal consistent with applicable SEPPs?	Refer to Section 8.6.
7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?	Refer to Section 8.7.
Section C – environmental, social and economic impact		
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 8.8.

#	Question	Consistency & Comment
9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	Refer to Section 8.9
10	Has the planning proposal adequately addressed any social and economic effects?	Refer to Section 8.10.
Section D – Infrastructure (Local, State and Commonwealth)		
11	Is there adequate public infrastructure for the planning proposal?	Refer to Section 8.11.
Section E – State and Commonwealth Interests		
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 8.12.

Section A – Need for the Planning Proposal

8.1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Local Strategic Planning Statement

The Site sits within the Southern Growth Area (SGA) Zone 1, which is located 7.5km from the Wagga Wagga CBD (approximately 10-minute drive). The Site has not been nominated as a growth area in the endorsed Wagga LSPS. However, Principle 7 of the LSPS states that 'growth in other areas within a 15-minute drive of the CBD can be considered against the principles of this plan, specifically servicing, connectivity, and accessibility'.

Changes in population growth and economic factors, highlight the need for short, medium and long-term land releases for new housing to stimulate multiple competitive growth fronts and additional supply over time. The timing of supply and delivery, and the increased competition between growth fronts may be as important as the sum of land to be supplied. The LSPS did not address this at the time of adoption and publication.

Section 8.4 of this report assesses the Planning Proposal against the principles of the Wagga LSPS.

Southern Growth Area Context Paper

On the 13 May 2024 Council noted the Southern Growth Area Strategic Context Paper (SGA Paper). The SGA Paper provides an overview of the history of the SGA and the relevant planning proposals, expands upon the existing policy alignment with adopted national, state, regional and local strategies and plans, and analyses and interprets recent changes to Wagga Wagga's housing market and infrastructure needs analysis to inform appropriate sequencing and development of housing and infrastructure in a sustainable manner.

In addition, it responds to a request of the Department of Planning, Housing and Infrastructure (the Department), formerly the Department of Planning and Environment, and is in response to the Council resolution at the Ordinary Meeting of Council on 22 August 2022. The paper specifically:

- responds to recommendations g). and h). of the Council resolution of 22 August 2022, providing high level structure planning for the Southern Growth Area.
- responds to the Department's request that further strategic justification be undertaken, and additional analysis of factors of change be provided before consideration of any further planning proposals at Gateway.

The SGA Paper argues that multiple competitive fronts of housing delivery are required to address the acute housing shortage in Wagga Wagga in the short to medium term. It concludes by saying that the SGA is an important and well contemplated strategic component of Wagga Wagga's approach to supplying housing for our community that is accessible, affordable, and timely. Rezoning of the SGA is supported by existing adopted planning policy and responds to recent drivers of change within Wagga Wagga's housing and economic environments.

The SGA Paper states that the assessment of proponent led planning proposals in the SGA Zone 1 on their merits, is an appropriate approach to meeting the growing demand for accessible and affordable housing in Wagga Wagga.

The context paper articulated and established the strategic rationale for the Southern Growth Area, identifying it as a key component to enabling housing supply that is accessible, affordable and

delivered in a timely manner. Council has since resolved on 13 May 2024, to “consider and assess planning proposals within Zone 1 of the SGA, where they meet the existing strategic merit identified in the ‘Southern Growth Area Strategic Context Paper’”.

The SGA Paper is further discussed in Section 8.4.

Table 11 – Summary & Recommendations – Strategic context

Matter	Comment
Recommendation	<p>The LSPS states that assessment growth in this area is appropriate when considered against the relevant principles of the plan.</p> <p>The SGA Context Paper states that assessment of proponent led planning proposals in the SGA Zone 1 on their merits are an appropriate approach to meeting the growing demand for accessible and affordable housing in Wagga Wagga.</p>

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

The draft Planning Proposal seeks to give effect to several intended outcomes and achieve certain objectives. There are no other mechanisms within the NSW Planning System that allow the proposed outcome to be achieved. Therefore, the draft Planning Proposal is the best means for achieving the objectives and intended outcomes.

Section B – Relationship to the Strategic Planning Framework

8.3. 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)?

The Riverina Murray Regional Plan 2041 (Regional Plan) applies to the Wagga Wagga Local Government Area. The following table outlines and assesses the relevant objectives of the *Riverina Murray Regional Plan 2041* applicable to the Planning Proposal.

Table 12 – Regional Plan Assessment

Matter	Comment
Objective 1: Protect, connect and enhance biodiversity throughout the region	Generally Consistent
Strategy 1.1	<p>Generally Consistent</p> <p>Under this objective, strategic planning is intended to namely facilitate the identification and protection of biodiversity values in areas experiencing high growth, to ultimately inform land use decision making and minimise or avoid loss to biodiversity.</p> <p>There are a range of outstanding concerns with the draft BDAR's submitted for the subject proposal. However, the draft BDAR's do provide an acceptable baseline for considering the high level impacts and key principles to be achieved through the development. Although additional work is required to demonstrate that the avoid and minimise principles are achieved.</p> <p>During the gateway determination process, Council will request finalisation of draft BDAR's that address the contentions outlined through a condition of any subsequent gateway determination. Council acknowledges that some elements of impact assessment are commonly left until DA stage. However, Council is seeking to establish the key principles around the protection of native vegetation such as the PCT 277 and scattered trees to ensure their incorporation within the design and avoid delays at the development consent stage and to know that all impacts are known and accounted for.</p>
Objective 2: Manage development impacts within riverine environments	N/A
Objective 3: Increase natural hazard resilience	Consistent
Strategy 3.1	Consistent

Matter	Comment
	<p>The development takes a risk-based approach to ensure new development is located in a way that is commensurate to the risks identified in Zone 1.</p> <p>The planning proposal will encourage opportunities for co-location of compatible land uses and provide public spaces that build community cohesion and interaction.</p> <p>The proposal is considered to be consistent with Objective 3.</p>
Objective 4: Support Aboriginal aspirations through land use planning	N/A
Objective 5: Ensure housing supply, diversity, affordability and resilience	Consistent
Strategy 5.1	N/A
Strategy 5.2	N/A
Strategy 5.3	<p>Consistent</p> <p>There are a range of matters outlined in Strategy 5.3, however it is considered that the proposed development will at a high level be consistent with these strategies. This will be further confirmed through the finalisation of technical studies during the gateway process and through DCP controls that will apply to the development.</p>
Action 4	N/A
Objective 6: Support housing in regional cities and their sub-regions	Consistent
Strategy 6.1	<p>Consistent</p> <p>The draft planning proposal is considered to be consistent as it coordinates appropriate growth through structure and master planning, it will set targets, timeframes and staging for servicing of urban land.</p> <p>Significant work has been undertaken to understand servicing capacity and constraints. The constraints identified can be reasonably integrated into staging plans and ensure that capacity can be delivered to align with likely development expectations. Where this cannot be achieved, development controls are in place to ensure satisfactory arrangements.</p>
Objective 7: Provide for appropriate rural residential development	Inconsistent
Strategy 7.1	Consistent

Matter	Comment
	<p>The draft planning proposal does provide some R5 Large Lot Residential land. This is along the southern boundary that is constrained by the transmission lines that run east-west through the south of Zone 1.</p> <ul style="list-style-type: none"> - The R5 land will benefit from reticulated services (maximising efficient use of existing infrastructure) - Will not impact future urban development options. - Will protect economic use of rural land to the south of Zone 1 and will provide a logical buffer to minimise land use conflicts (similar to how this has been managed in Gobbagombalin and CSU land). - Is not located on waterfront land or high environmental valued land. - Is not subject to significant hazards or constraints that cannot be otherwise managed through DCP or design based on controls.
Objective 8: Provide for short-term accommodation	N/A
Strategy 8.1	N/A
Strategy 8.2	N/A
Objective 9: Plan for resilient places that respect local character	Consistent
Strategy 9.1	<p>Consistent</p> <p>The Planning Proposal is deemed to be consistent with this strategy provided that the recommendations in this report and in the Urbis ACHA and Cultural Values reports for the Rowan site and the PastTraces ACHA report for the Sunnyside site are implemented throughout the various approvals and development stages for the Site.</p>
Strategy 9.2	<p>Consistent</p> <p>The Planning Proposal is consistent with this strategy as it:</p> <ul style="list-style-type: none"> • Has considered the open space opportunities and is aligned with the principles of the <i>NSW Public Spaces Charter</i>. • Provides opportunities for connection to water via walking and cycling trails. • Provides a street network that integrates with surrounding urban areas. • Provides recommendations to ensure the development of the site provides opportunities for cultural practice and economic uses for Aboriginal people.
Action 5	N/A

Matter	Comment
Strategy 9.3	N/A
Strategy 9.4	N/A
Strategy 9.5	N/A
Strategy 9.6	N/A The Planning Proposal does not consider this strategy (smart technology infrastructure). This could be considered in further development stages.
Strategy 9.7	N/A
Objective 10: Improve connections between Murray River communities	N/A
Objective 11: Plan for integrated and resilient utility infrastructure	Consistent The Planning Proposal is supported by a detailed Infrastructure and Services Delivery Plan (ISDP). The Planning Proposal would be consistent with Objective 11, pending finalisation of a contribution's framework.
Strategy 11.1	Consistent An Infrastructure Services and Delivery Plan will require works to be funded and delivered in a sustainable sequence to service the demands of new housing.
Strategy 11.2	Consistent The Planning Proposal applies the RE1 zone to the riparian corridor and waterway which is a focal point for the western portion of the Site.
Objective 12: Strategically plan for rural industries	N/A
Objective 13: Support the transition to net zero by 2050	Generally consistent The Planning Proposal is located in the outskirts of Wagga Wagga and will be heavily dependent on private vehicles as the main mode of transport. Pedestrian and cycle links are provided but are likely to cater mostly for recreational activities, not active transport. A village centre, schools and sporting fields are proposed as intended outcomes for the Rowan site, and a small local shop for the Sunnyside site. Although these facilities are proposed at a later development stage, if implemented and committed to, they will assist in reducing carbon emissions from the development in the long term.

Matter	Comment
Objective 14: Protecting and promoting industrial and manufacturing land	N/A
Objective 15: Support the economic vitality of CBDs and main streets	Consistent
Strategy 15.1	N/A
Strategy 15.2	<p>Consistent</p> <p>The intended outcome of the Planning Proposal is to provide a multi-purpose village centre which will be able to support retail offerings, a community centre, childcare centre and medical facilities in the long-term. If implemented, the centre will provide essential services and facilities to cater to the local community but will not detract from higher order established centres in Wagga Wagga.</p>
Strategy 15.3	N/A
Objective 16: Support the visitor economy	N/A
Objective 17: Strategically plan for health and education precincts	N/A
Objective 18: Integrate transport and land use planning	Consistent
Strategy 18.1	N/A
Strategy 18.2	N/A
Strategy 18.3	<p>Consistent</p> <p>The Planning Proposal is a greenfield site located on the outskirts of the Wagga Wagga and outside the existing urban area. It is not close to major employment hubs, key public transport routes nor the CBD. The Planning Proposal will be heavily dependent on private vehicles as the main mode of transport.</p> <p>To mitigate this, the Planning Proposal provides for walking and cycling routes alongside the open space network and connected to the existing network. It also intends to provide a diversity of low and medium density housing, local shops, community facilities, schools and sporting fields.</p>
Strategy 18.4	N/A
Strategy 18.5	N/A
Strategy 18.6	N/A

Table 13 – Summary & Recommendations – 2041 Regional Plan

Matter	Assessment
Summary of Assessment	The Riverina Murray Regional Plan 2041 (Regional Plan) outlines a vision to promote the growth of regional cities and local centres. While it promotes growth and the 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 residential development, sustainable development, and delivering healthy urban design.
Recommendation	The draft Planning Proposal is generally consistent with the objectives and strategies outlined in the Regional Plan.

8.4. 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?

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 Planning Proposal.

Table 14 – Wagga Wagga LSPS Assessment

Direction	Compliance
Principle 1: Protect and enhance natural areas	<p>Consistent</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.</p> <p>Generally speaking, the draft Planning Proposal protects vegetation through the appropriate location of ‘recreational’ zoned land around key features and formations (such as the riparian corridor that runs north south through Rowan Village and across to the east in on Sunnyside.</p> <p>These areas will enable suitable biodiversity protection whilst balancing sustainable urban development.</p> <p>Detailed consideration of the draft BDAR’s is discussed in Sections 8.13, 8.8, 8.15 and 11. However, it is considered that the high level principle of protecting and enhancing natural areas will be achieved through this draft Planning Proposal.</p>
Principle 2: Increase resilience to natural hazards and land constraints	<p>Consistent – subject to completion of technical reports</p> <p>The Planning Proposal considers a range of natural hazards and land constraints including biodiversity, flood risk, contamination, and bushfire risk. The broader assessment report considers these matters in further detail.</p>

Direction	Compliance
	Broadly the draft Planning Proposal is consistent, however, the outstanding matters (technical reports) must be completed to demonstrate consistency.
Principle 3: Manage growth sustainably	<p>Justifiably inconsistent</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 Planning Proposal does not provide an adequate assessment of this hierarchy and its impacts on the development of the land. Notwithstanding, the draft BDAR’s inconsistencies and gaps, they are considered sufficient for the purposes of assessing the high-level planning and strategic justification for this greenfield growth. Additional work will need to be undertaken as part of the gateway process. This information is detailed in Sections 8.13, 8.8, 8.15 and 11.</p> <p>SGA Zones 2, 3 and 4 are the natural progression of the anticipated growth of Wagga Wagga to the south, although it is constrained by land fragmentation and requires further master planning and community consultation.</p>
Principle 4: The southern capital of New South Wales	<p>Consistent</p> <p>The LSPS states that <i>‘Identifying as the southern capital means Wagga Wagga will be a vibrant, active centre providing high quality services, employment, innovation, education and research opportunities.’</i></p> <p>The Planning Proposal structure plan includes the delivery of public open space and a multi-purpose local village centre that will complement (and not compete) the role and function of the Wagga Wagga CBD. The provision of a primary school site and the opportunity for an additional site for a secondary school is subject to further investigation with Schools Infrastructure NSW.</p>
Principle 5: Encourage and support investment	<p>Consistent</p> <p>The LSPS states that <i>‘Planning for and supporting infrastructure provision in a sustainable and cost-effective manner will facilitate investment and provide further confidence in decision making, guiding land use decisions and planning.’</i></p> <p>The Planning Proposal requires significant infrastructure upgrades to successfully deliver new housing. Discussion regarding funding and delivery of this infrastructure is provided in Section 8.11.</p>
Principle 6: A connected and accessible city	<p>Consistent</p> <p>The LSPS states that <i>‘...the city will prioritise development and movement around key corridors and reinforce key centres and focal points for accessing services, employment, entertainment and recreation.’</i></p> <p>The Planning Proposal includes active walking and cycling paths that are connected to the broader network, providing residents with transport and lifestyle choices. Walking and cycling paths will</p>

Direction	Compliance
	connect into the open space network and will support sustainable, healthy and active lifestyle choices.
Principle 7: Growth is supported by sustainable infrastructure	<p>Consistent</p> <p>The LSPS states that <i>‘Growth of the city must be supported by effective, safe and resilient infrastructure. The planning and provision of infrastructure will be pursued in a sustainable manner.’</i></p> <p>The Planning Proposal is supported by a detailed ISDP and an offer to enter into a Planning Agreement that is currently in discussions and negotiations between Council and the proponent.</p> <p>The LSPS does not include the Southern Growth Area as a key area for urban expansion. However, the LSPS states that <i>‘growth in other areas within a 15-minute drive of the CBD can be considered against the principles of this plan, specifically servicing, connectivity, and accessibility.’</i></p> <p>Principle 7 is discussed in detail in Section 8.1 and 8.4.</p>
Principle 8: Our city promotes a healthy lifestyle	<p>Consistent</p> <p>Principle 8 discusses the concept of a ‘15-minute city’ and how this will support a mix of new housing in existing (brownfield) and new (greenfield) areas. The LSPS supports development that strengthens and maintains reasonable travel times, the primacy of the CBD and infrastructure being provided in a cost effective manner. The draft PP is consistent with this Principle as it is located within a 15-minute drive.</p> <p>The principle also considers the design of streets that target health and wellbeing outcomes. The development enables this vision through the provision of significant active travel paths that connect externally to the broader City, whilst supporting the residents ability to move and connect with the services and open space provided locally.</p>
Principle 9: High-quality public spaces with an engaging urban character	<p>Consistent</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 Planning Proposal is well supported by urban design reports and a social infrastructure and open space assessment.</p> <p>The details surrounding this proposed open space provision are considered adequate for a Planning Proposal stage and are consistent with the intent of this principle.</p>
Principle 10: Provide for a diversity of housing that meets our needs	<p>Consistent</p> <p>The LSPS states that <i>‘As our population evolves and households change, we need to plan for housing options that respond to our</i></p>

Direction	Compliance
	<p><i>changing community needs and expectations. This includes smaller housing types in suitable locations...'</i></p> <p>The draft Planning Proposal provides for a variety of housing densities and types which respond to the inclusion of retail and community spaces consistent with the intent of this principle.</p> <p>The draft Planning Proposal includes the provision of a density clause that will introduce minimum dwelling yields to support the delivery of density and diversity within the proposed R3 and R1 zones. Significant feasibility work has been undertaken to ensure the proposed densities enable the objectives of the Planning Proposal to be implemented, whilst allowing room for additional growth coupled with sustainable and managed infrastructure provision.</p> <p>It is noted that the Planning Proposal does not include provision for affordable housing delivery. Council currently do not have an endorsed Affordable Housing Strategy or Affordable Rental Housing Contributions Scheme (ARHCS) therefore levying a percentage of development as affordable housing is not possible feasible currently.</p>
Principle 11: Strong and resilient rural and village communities	<p>Consistent</p> <p>The Planning Proposal is located in the southern fringe of the Wagga Wagga city and will play a minor role in supporting the function of surrounding communities and districts.</p>

The table below outlines Actions from the LSPS that are relevant for considering a Planning Proposal. It does not include consideration of Actions that are the responsibility of Council to implement outside of a Planning Proposal process.

Table 15 – Assessment Summary against LSPS Actions.

Action	Consistent	Inconsistent	Not applicable	Comment
ENV1	X			<p>There are a range of outstanding concerns with the draft BDAR's submitted for the subject proposal. However, the draft BDAR's do provide an acceptable baseline for considering the high level impacts and key principles to be achieved through the development. Although additional work is required to demonstrate that the avoid and minimise principles are achieved.</p> <p>During the gateway determination process, Council will request finalisation of draft BDAR's that address the contentions outlined through a condition of any subsequent gateway determination. Council acknowledges that some elements of impact assessment are commonly left until DA stage. However, Council is seeking to establish the key principles around the protection of native vegetation such as the PCT 277 and scattered trees to ensure their incorporation within the design and avoid delays at the development consent stage and to know that all impacts are known and accounted for.</p>
ENV2	X			Refer to comments above.
ENV5	X			Refer to commentary provided in Section 8.8 and Section 8.9.
ENV6	X			Refer to commentary provided in Section 8.8 and Section 8.9.
ENV7	X			The Planning Proposal provides for the ability to integrate water sensitive urban design principles.
ENV9	X			The Planning Proposal provides opportunities to support and connect to the wider Wagga Wagga active travel network.
ECON3	X			The Planning Proposal includes an Infrastructure and Services Delivery Plan that details the infrastructure upgrade requirements.
ECON4	X			The Planning Proposal seeks to provide residential, greenfield development on the outskirts of the urban area of Wagga Wagga. It will connect into the existing road network and provides opportunities for active travel and localisation of travel, including through walking and cycle paths, a local village centre, sporting fields and, potentially, schools.

Action	Consistent	Inconsistent	Not applicable	Comment
ECON10		X		The Planning Proposal seeks changes to rural zoning and minimum lot size reduction. In the absence of a Rural Lands Strategy, the Planning Proposal should be supported by an Agricultural Lands Assessment. This was not included in the Planning Proposal documentation.
COM4	X			The Planning Proposal will provide development within a 15-minute drive of the CBD.
COM6	X			The Planning Proposal is supported by an appropriate Urban Design Report and structure plan.
COM14	X			Ongoing investigation, management, and consultation will support the successful implementation of this Action.
COM15	X			The Planning Proposal includes a multi-purpose village centre to create a small hub of activity to provide for the local community.

Table 16 – Summary & Recommendations – Wagga Wagga LSPS

Matter	Assessment
Summary of Assessment	<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 development occurring in a sustainable and coordinated manner. Principle 7 of the LSPS states that <i>'growth in other areas within a 15-minute drive of the CBD can be considered against the principles of this plan, specifically servicing, connectivity, and accessibility'</i>. The Southern Growth Area (SGA) Zone 1 is not specifically nominated as a growth area in the LSPS but is located within a 15-minute drive to the CBD. Further discussion is provided in the section below regarding the SGA Context Paper.</p> <p>The draft Planning Proposal includes a village centre, a variety of housing types and densities, open spaces, social infrastructure and can be supported by adequate infrastructure.</p>
Recommendation	<p>The draft Planning Proposal is generally consistent with the LSPS.</p> <p>The draft Planning Proposal is inconsistent with ECON10, but this is considered appropriate to be dealt with through additional studies during the gateway process.</p>

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 17 – Wagga Wagga CSP Assessment

Direction	Compliance
Objective: Wagga Wagga has strong community leadership and a shared vision for the future	Consistent The proposal would not prejudice the intent or implementation of this objective.
Objective: Our community is informed and actively engaged in decision making and problem-solving to shape the future of Wagga Wagga	Consistent The Planning Proposal is subject to mandatory public participation in accordance with the EP&A Act.
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	Consistent The Planning Proposal is to be reported to the Council for determination.
Objective: Our community feel safe	Consistent The proposal would not prejudice the intent or implementation of this objective.
Objective: Our community embraces healthier lifestyle choices and practices	Consistent The 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	Consistent The proposal would not prejudice access to health and support services.
Objective: Wagga Wagga is a thriving, innovative and connected regional capital city	Consistent 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	Consistent The proposal would not prejudice the intent or implementation of this objective.
Objective: Wagga Wagga is an attractive tourist destination	N/A
Objective: Wagga Wagga is a centre for education and training	Consistent The proposal would not prejudice the intent or implementation of this objective.

Direction	Compliance
Objective: Wagga Wagga is a hub for activity	<p>Consistent</p> <p>The proposal would not prejudice the intent or implementation of this objective.</p>
Objective: Our community are proud of where we live and our identity	<p>Consistent</p> <p>The proposal would not prejudice the intent or implementation of this objective.</p>
Objective: Our community feel welcome, included and connected	<p>Consistent</p> <p>The proposal would not prejudice the intent or implementation of this objective.</p>
Objective: Future growth and development of Wagga Wagga is planned for in a sustainable manner	<p>Consistent</p> <p>This objective seeks to ensure sustainable urban development and provide for a diversity of housing that meets our needs.</p> <p>The draft Planning Proposal introduces a range of planning mechanisms to ensure diversity of housing can be delivered in alignment with our housing needs.</p> <p>The development considers a broader range of enabling infrastructure, open space, residential and commercial zoned land to facilitate the needs of a growing community in a responsible and considered manner.</p>
Objective: Our natural areas are protected and enhanced	<p>Consistent</p> <p>The Planning Proposal is supported by documentation that is appropriate for the current stage of assessment. Ultimately the development must preserve, protect or enhances our natural areas and this will be supported through legislation such as the Biodiversity Conservation Act, Council's Local Environmental Plan and future Development Control Plan.</p>
Objective: Our built environment is functional, attractive and health promoting	<p>Consistent</p> <p>The proposal would not prejudice the intent or implementation of this objective.</p>
Objective: Wagga Wagga is sustainable, liveable, and resilient to the impacts of climate change	<p>Consistent</p> <p>The proposal would not prejudice the intent or implementation of this objective.</p>

Table 18 – Summary & Recommendations – Wagga Wagga CSP

Matter	Assessment
Summary of Assessment	The Planning Proposal addresses the Wagga Wagga Community Strategic Plan and provides an overview in response to the principles and strategic directions for Wagga Wagga.
Recommendation	The Planning Proposal is consistent with the objectives with the Wagga Wagga Community Strategic Plan 2040.

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.

Holbrook Road is considered a regional road while Plumpton Road is considered a sub-arterial road.

The draft Planning Proposal is generally consistent with the WWITS. The draft Planning Proposal is consistent with *ILU2: Strategic Planning* whereby the structure planning undertaken for this precinct has considered matters ILU2.1 – ILU2.5 and broadly:

- Focuses residential densities around key activity and transport corridors.
- Residential growth is connected to sufficient road networks to minimise congestion on key corridors.
- Pedestrian and active travel modes have been priorities as part of the structure planning undertaken for the precinct.
- Ensures that provision is made that enables choice of transport
- Key sites and corridors are preserved through appropriate zoning and density requirements that enable highest and best use of land along key corridors.

The draft Planning Proposal is also relevant to the consideration of FT1: Freight movement and particularly FT1.2 which states: *Work with RMS to preserve a heavy vehicle bypass corridor south of the Sturt Highway within Council strategies*. The draft Planning Proposal was referred to TfNSW for comment. The referral response stated that: *TfNSW does not wish to address the proposed Southern bypass as part of this response.*

Council is satisfied that the proposed draft Planning Proposal will not have a long-term impact on the ability to investigate, preserve and plan for a southern bypass corridor.

Furthermore, the WWITS is currently under review as part of Council’s regular review of strategic plans and documentation. The review is not significantly progressed enough to have any current relevance to the consideration of this draft Planning Proposal.

Table 19 – Summary & Recommendations – WWITS

Matter	Assessment
Summary of Assessment	The draft Planning Proposal is consistent with the WWITS.
Recommendation	The Planning Proposal is supported by the WWITS.

Recreation, Open Space and Community Strategy (ROSC)

The Recreation, Open Space and Community Strategy (ROSC), sets out the standards for the provision of open space and community facilities in Wagga Wagga. A draft Planning Proposal must be supported by a Recreation and Open Space Plan for the development which considers; parks (passive recreation areas), sporting and recreation facilities (active recreation areas) and lineal parks (corridors).

Figure 16 below outlines the proposed open space and landscape principles, distribution and allocation. Table 20 below provides an assessment of the open space requirements and provision against the ROSC.

Table 20 – ROSC Assessment

Feature	Requirement	Provision	Assessment	Comment
Active Recreation (District Park)	12.87ha	12.88ha	Meets standard	
Passive Recreation (Local Parks or LP)	LP1 – 1ha	0.61ha	Undersized	Only one (1) local park meets this standard.
	LP2 – 1 ha	0.50ha	Undersized	
	LP3 – 1 ha	0.46ha	Undersized	
	LP4 – 1 ha	1.00ha	Meets standard	
Passive Recreation (lineal corridors and remaining unencumbered open space).	17.45ha	25.92ha	Meets standard	The remaining passive open space provision will total 49.28ha.
Total	34.32ha	41.38ha	Meets standard	The development exceeds the minimum unencumbered open space required with the provision of 41.38ha

Note: The figures provided in the table supplied by the proponent have not been totaled correctly. The figures for passive open space (green) are erroneous as they include calculation of the drainage basins (which are considered an encumbrance and cannot be calculated toward the passive recreation total). These figures are being currently confirmed with Council's Recreation team.

Community Centre

The ROSC also requires that a community centre per 10,000 people with a minimum of one meeting space per precinct.

The facility is proposed to be co-located with the district park. The community centre will be developed as a multi-use facility that can be adapted for use by broad sections of the community.

The community facility is included and costed in the proposed infrastructure list for Zone 1.

Table 21 – Summary & Recommendations – ROSC

Matter	Assessment
Recommendation	<p>The proposed open space requirement has been met by virtue of the quantum of open space being provided. However, the distribution of this open space to meet the ROSC has not been achieved. The proposal outlines that four (4) local parks will be provided but these are undersized (LP1 - 0.61ha, LP2 - 0.5ha and LP3 - 0.46ha).</p> <p>Council staff will be recommending that Council resolve to ensure delivery of open space that is consistent with the ROSC.</p>



OPEN SPACE AND LANDSCAPE PRINCIPLES

Considering the fact that 50% of the riparian corridor will be passive open space, the proposed master plan proposes 81.30 hectares of active and passive open space (excluding basins). This is consistent with Council's requirement.

The table documents the types of open spaces provided within the site.

Landscape	ROWAN VILLAGE		SUNNYSIDE		TOTAL	
	Ha	%	Ha	%	Ha	%
ACTIVE OPEN SPACE	9.72		5.73		14.20	
District Park	8.61	22%	4.27	9%	12.88	16%
Local Parks	1.12	3%	1.46	3%	2.58	3%
– LP1	0.61					
– LP2	0.50					
– LP3			0.46			
– LP4			1.00			
PASSIVE OPEN SPACE	28.39		37.70		66.09	
Easements	0.35	1%	16.46	39%	16.81	21%
Riparian Corridor	13.98	34%	9.38	22%	23.36	29%
– Potential re-alignment of riparian corridor.			0.56			
Passive Open Space (within Riparian Corridor)	14.06	37%	11.86	27%	25.92	31%
TOTAL	38.11	100%	43.43	100%	81.54	100%

LEGEND

- Rowan Village & Sunnyside Site Boundary
- Basins

Figure 16 – Open Space Plan (Source: Urbis, Urban Design Report - Feb 2025)

The Southern Growth Area (SGA) Strategic Context Paper

Council's adopted Local Strategic Planning Statement (LSPS) identifies areas in the LGA for future growth or redevelopment. However, Principle 7 of the LSPS states that '*growth in other areas within a 15-minute drive of the CBD can be considered against the principles of this plan, specifically servicing, connectivity, and accessibility*'. The Southern Growth Area (SGA) Zone 1 is not specifically nominated as a growth area in the LSPS but is located within a 15-minute drive to the CBD. An assessment of the SGA against the principles of the LSPS is provided earlier in this section.

To further refine and demonstrate the merit of the Southern Growth Area, Council prepared the Southern Growth Area Strategic Context Paper (SGA Context Paper). The SGA Context Paper was reported to Council on 13 May 2024. It provides an overview of the history of the SGA and the relevant planning proposals and expands upon Council's and the Department's requests for further strategic work within the SGA. This includes expanding on the existing policy alignment with adopted national, state, regional and local strategies and plans, analysis and interpretation of recent changes to Wagga Wagga's housing market and an infrastructure needs analysis to inform appropriate sequencing and development of housing and infrastructure in a sustainable manner.

The SGA Context Paper identifies an LGA population of approximately 80,000 people by 2041, seeing an approximate 10,000 additional people living in the LGA in the next 18 years. Under a moderate growth scenario, Council will need to facilitate provision of at least an additional 4,940 dwellings by 2041, to ensure access to housing for the increased population. Additionally, further housing may be required if there has been a deficit in housing supply in the LGA in previous years. The best way to encourage delivery of an appropriate amount of housing is to utilise multiple growth fronts.

Multiple Growth Fronts

The SGA Context Paper notes DPHI refused LEP21/0001 (PP-2022-4114), in part because there was insufficient justification for an additional urban release area in advance of the Northern Growth Area (NGA).

While the LSPS identifies areas for growth and redevelopment, principle 7 allows consideration of development outside the identified areas. The SGA is one such case.

The ability of the SGA to provide housing sooner than the Council-led NGA is important. A healthy housing supply sees a diversity of dwellings delivered consistently over a period of time. The SGA Context Paper has identified that while Council is leading a similar process in the NGA, it is not as far progressed as the technical work already undertaken for the SGA. The SGA can meet a short-term and acute housing need, whereas the NGA provides for medium- to longer-term supply to ensure sustainable and affordable provision of housing into the future. The SGA Zone 1 alone will provide approximately 2,900 dwellings, which would accommodate nearly 60% of dwelling demand to 2041.

The SGA Context Paper notes there are multiple areas that can provide housing within the LGA (see Table 22). This includes infill and CBD development, as well as the NGA. It also notes the existing multiple growth fronts in Wagga Wagga, being urban release areas in Gobbagombalin, Estella, Boorooma and Lloyd. With the Gobbagombalin, Estella and Boorooma growth areas largely built out, and Lloyd constrained by salinity groundwater constraints and quarry operations, introducing the SGA as an additional growth front should encourage competition and create a consistent flow of housing supply to the market.

Multiple competitive development fronts can potentially enable the accelerated delivery of housing for the community; however, the cost of social, community and physical infrastructure to service these new greenfield communities is substantial. The sequencing and early supply (or funding) for this infrastructure is the most fundamental consideration for development in Wagga Wagga's greenfield areas. An infrastructure needs analysis has identified that sufficient infrastructure can be provided in the SGA through a Planning Agreement or contributions plan.

Providing multiple growth fronts, and growth fronts that will be delivered at different times, is critical for a healthy housing supply in Wagga Wagga.

Table 22 – Potential residential development timeframes in Wagga Wagga

Site	Total dwellings	2024-2029	2030-2035	2036-2041	2041+
Infill (suburbs)	Approx. 114				
Infill (rural residential)	Approx. 175		Infrastructure upgrades required		
Infill (CBD area)	Approx. 313				
Tolland Renewal Project	Approx. 500				
Remainder of Estella, Gobbagombalin and Boorooma	Approx. 997-1,067				
Lloyd (pending DA approvals)	Approx. 340				
SGA (whole) (pending determination)	Approx. 4,750	Infrastructure upgrades required			
Northern Growth Area (pending rezoning)	6,000 – 9,000	(Potentially zoned in 2026/2027)			

Note: The figures provided above are updated compared to the figures outlined in the SGA Context Paper to reflect more up-to-date data and forecasting.

Oversupply

Table 22 above identifies that there is potential for approximately 12,600 dwellings to be provided in the LGA to 2041 and beyond. While this exceeds the anticipated dwelling demand of 4,940 additional dwellings to 2041, it is demonstrative of both the benefits of multiple growth fronts and oversupply.

To deliver approximately 4,940 dwellings over 20 years should theoretically meet the population’s housing needs. However, this assumes that there has been no historic undersupply of housing in the LGA – that housing supply has always kept pace with housing demand. In 2016, an estimated shortfall of 100,000 dwellings was identified in NSW, due to rapid population growth in the late 2000s and early 2010s⁵.

Housing undersupply may be addressed through various measures, including heightened housing delivery. Delivering more dwellings than the projected population requires enables the shortfall to be addressed while still providing sufficient housing for a growing population. Therefore, it is beneficial for the Wagga Wagga LGA to seek to provide more housing than that required to address the population projections.

Utilising both Zone 1 of the Southern Growth Area (2,900 dwellings) and the other areas identified for growth (infill, CBD, NGA etc.) to provide dwelling opportunities for current and future residents of the LGA is a measure to address any historical housing undersupply. It is particularly beneficial as both growth areas are projected to come on-line at different times, creating an ongoing supply of housing, rather than a stop-start approach.

Providing more housing than what is needed to address population growth also enables the LGA to build capacity to grow to a city of 100,000 people, as identified in the adopted LSPS. Building in this

⁵ <https://www.planning.nsw.gov.au/policy-and-legislation/housing/housing-supply-insights/quarterly-insights-monitor-q1/trends-in-housing-supply#:~:text=Following%20rapid%20population%20growth%20in,had%20mostly%20absorbed%20this%20shortfall.>

capacity now, rather than when there is excessive demand, provides opportunities for well-paced growth to occur, particularly with the employment opportunities due to be provided in the Special Activation Precinct and through major projects in the region (Defence infrastructure upgrades, Project Energy Connect, HumeLink etc.).

Table 23 – Summary & Recommendations – The Southern Growth Area (SGA)

Matter	Assessment
Summary of Assessment	<p>The SGA Context Paper provides a pathway for proponent-led planning proposals for the Southern Growth Area Zone 1.</p> <p>The SGA Context Paper concludes that the assessment of proponent led planning proposals in the Southern Growth Area Zone 1 on their merits are an appropriate approach to meeting the growing demand for accessible and housing affordability in Wagga Wagga. Progressing Zone 1 of the SGA creates an additional growth front for the LGA, at a time when previous urban release areas are being built out and when strategic planning for a further, Council-led growth area is being undertaken. It also enables a possible oversupply of housing, which not only provides for the anticipated dwelling demand to 2041, but also enables any historical undersupply to be addressed.</p> <p>The Planning Proposal has the potential to provide 2,900 dwellings (approximately 60% of demand to 2041). Its progression is supported by the SGA Context Paper.</p>
Recommendation	That the Planning Proposal be progressed to Gateway Determination, given its ability to provide a further growth front and to provide more housing than anticipated to 2041, potentially addressing any historical undersupply.

8.5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Wagga Wagga Transport Plan

The Wagga Wagga Transport Plan is the first place-based transport plan developed by Transport for NSW for a regional city in NSW. As a supporting plan of Future Transport, the Plan provides a blueprint for transforming the way people and goods will travel within, to and through Wagga Wagga over the next 20 years.

The Plan identifies the following matters relevant to consider as part of the assessment of the subject planning proposal.

- Short Term Initiative C8 ‘Investigate a cycle link to the south of the regional city to service the southern growth area’
- Short Term Initiative P9 ‘Assess the feasibility of a southern bypass of Wagga Wagga’
- Section 3.2.1 speaks about investigating a cycle link to the SGA.
- Section 3.4.6 speaks about the feasibility of a Southern Bypass.

Table 24 – Summary & Recommendations – Wagga Wagga Transport Plan

Matter	Assessment
Summary of Assessment	<p>The planning proposal is consistent with Initiative C8 and Section 3.2.1 regarding enabling a cycle link to the SGA. The cycle link will be delivered via an Active Travel Path extension along Plumpton Road and will be funded through the planning agreement and general subdivision works undertaken by the developer.</p> <p>Discussion regarding the southern bypass is discussed in Section 9.2 as part of the planning proposals assessment against the WWITS.</p>
Recommendation	The planning proposal is consistent with the Wagga Wagga Transport Plan.

8.6. Is the planning proposal consistent with applicable 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.

Table 25 – SEPP consistency assessment

Policy	Applicable to Planning Proposal?	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
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.
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.
State Environmental Planning Policy (Housing) 2021		
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.	The draft Planning Proposal in general does not impact the intention, application of the provisions of Chapter 3, however specific consideration must be given to Chapter 3, Part 8 (Manufactured home estate).

Policy	Applicable to Planning Proposal?	Reasons for Consistency or Inconsistency
		Ministerial Direction 6.2(2) requires consideration of Chapter 3, Part 8 (clause 125). To avoid repetition, detailed assessment of the Ministerial Direction is undertaken in Section 8.7 of this report.
Chapter 4 – Design of residential apartment development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 5 – Transport orientated development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 3 – Advertising and signage	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Planning Systems) 2021		
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 Planning Proposal.	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 – Regional) 2021		
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.
State Environmental Planning Policy (Primary Production) 2021		
Chapter 2 – Primary production and rural development	Applicable as the subject land (part) has been identified as state significant agricultural land on the	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.

Policy	Applicable to Planning Proposal?	Reasons for Consistency or Inconsistency
	draft SSAL Map prepared by NSW DPI.	
State Environmental Planning Policy (Resilience and Hazards) 2021		
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.
State Environmental Planning Policy (Resources and Energy) 2021		
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.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
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 childcare facilities	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Draft State Environmental Planning Policies		
Draft Corridor Protection SEPP	Wagga Wagga is mapped under the SEPP.	The draft SEPP is being amended to permit the temporary use of corridor land. The proposal does not conflict with the proposed draft SEPP. The draft SEPP is currently under consideration, having been consulted on from 22 August 2022 to 19 September 2022.

Table 26 – Summary & Recommendations – State Environmental Planning Policies

Matter	Assessment
Summary of Assessment	<p>The Planning Proposal considers consistency with the relevant State Environmental Planning Policies.</p> <p>No inconsistencies with any of the State Environmental Planning Policies were identified except for the Housing SEPP at Chapter 3 (Diverse Housing). The additional permitted use has not been adequately addressed or justified in the Planning Proposal documentation. Notwithstanding, the APU does not have strategic merit and is not supported.</p> <p>The components of the draft Planning Proposal that do warrant support are not inconsistent with the SEPP's.</p>
Recommendation	<p>The Planning Proposal adequately considers the application, operation, and consistency with the relevant State Environmental Planning Policies.</p>

8.7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This section addresses the Planning Proposal's consistency with relevant section 9.1 Ministerial Directions.

The draft Planning Proposal is assessed in Table 27 below.

Table 27 – s9.1 Directions consistency assessment

#	Direction	Comment
1.1	Implementation of Regional Plans	<p>CONSISTENT</p> <p>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.</p> <p>A planning proposal may be inconsistent with the terms of the direction if the relevant planning authority can satisfy the Planning Secretary that;</p> <ul style="list-style-type: none"> 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. <p>In this instance as discussed in Section 8.4 above, the Planning Proposal results in a number of justifiable inconsistencies with the Murray Riverina Regional Plan 2041 (MRRP). It is considered that whilst some are of minor significance, as a whole the resultant inconsistencies do not undermine the vision, strategy, goals, directions or actions of the MRRP.</p> <p>It is therefore considered that the Planning Proposal is inconsistent with Direction 1.1 – Implementation of Regional Plans.</p>
1.2	Development of Aboriginal Land Council Land	N/A
1.3	Approval and Referral Requirements	<p>CONSISTENT</p> <p>The subject draft Planning Proposal does not introduce any additional approval or referral requirements.</p>
1.4	Site Specific Provisions	N/A
1.4A	Exclusion of Development Standards from Variation	N/A
1.5	Parramatta Road Corridor Urban Transformation Strategy	N/A

#	Direction	Comment
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
1.7	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
1.10	Implementation of the Western Sydney Aerotropolis	N/A
1.11	Implementation of Bayside West Precincts 2036 Plan	N/A
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	N/A
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	N/A
1.14	Implementation of Greater Macarthur 2040	N/A
1.15	Implementation of the Pymont Peninsula Place Strategy	N/A
1.16	North West Rail Link Corridor Strategy	N/A
1.17	Implementation of the Bays West Place Strategy	N/A
1.18	Implementation of the Macquarie Park Innovation Precinct	N/A
1.19	Implementation of the Westmead Place Strategy	N/A
1.20	Implementation of the Camellia-Rosehill Place Strategy	N/A
1.21	Implementation of South West Growth Area Structure Plan	N/A
1.22	Implementation of the Cherrybrook Station Place Strategy	N/A
2	Not in force	N/A

#	Direction	Comment
3.1	Conservation Zones	<p>CONSISTENT</p> <p>The Planning Proposal will seek to protect riparian corridors and significant areas of biodiversity through the use of RE1 zoning. The zoning is applied to maintain flexibility in how Council protect and manage these spaces into the future.</p>
3.2	Heritage Conservation	<p>CONSISTENT</p> <p>There are no local or state heritage items located within SGA Zone 1.</p> <p>Aboriginal Heritage Information Management System (AHIMS) sites have been located within the Site. The submitted Aboriginal Cultural Heritage assessments recommend the preparation of an Aboriginal Cultural Heritage Management Plan to implement appropriate strategies for the identified Aboriginal objects within the Site.</p> <p>Relevant Registered Aboriginal Parties (RAPs) were consulted early in the process at the Planning Proposal stage for an onsite consultation. Ongoing consultation with the RAPs should continue until the finalisation of the development.</p> <p>The Planning Proposal is deemed to be consistent with Section 9.1, Direction 3.2 provided that the recommendations in this report and in the Urbis ACHA and Cultural Values reports for the Rowan site and the PastTraces ACHA report for the Sunnyside site are implemented throughout the various approvals and development stages for the Site.</p>
3.3	Sydney Drinking Water Catchments	N/A
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
3.5	Recreation Vehicle Areas	N/A
3.6	Strategic Conservation Planning	N/A
3.7	Public Bushland	N/A
3.8	Willandra Lakes Region	N/A
3.9	Sydney Harbour Foreshores and Waterways Area	N/A
3.10	Water Catchment Protection	N/A
4.1	Flooding	<p>JUSTIFIABLY INCONSISTENT</p> <p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a</p>

#	Direction	Comment
		<p>planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The Planning Proposal is inconsistent with Direction 4.1, as it is not supported by a Flood Assessment or sufficient detail to ensure consistency or justification for inconsistency with this Direction.</p> <p>The areas along the riparian corridor within the Rowan site and adjacent to Plumpton Road to the east of the site is identified as flood prone. Although the majority of this is being avoided by the proposed structure plan, a detailed Flood Impact and Risk Assessment is recommended to ensure that all residential development is avoided and not permitted in floodway areas.</p> <p>In consideration of the assessment provided against the ministerial direction, the proposal is considered inconsistent with the direction. However, in accordance with the Direction a planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that it meets one of the four specified criteria.</p> <p>The criteria at (a) states:</p> <p>(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</p> <p>The response provided by the Director of City Engineering notes that as the land affected is located in the 'Flood Fringe', the hazard rating is 'H1-No constraints' and the depth of flows are less than 0.15m as shown in Figures 1.14B, 1.17B and 1.19B respectively of Councils Major Overland Flow Floodplain Risk Management Study and Plan for a 1% AEP event that any future development of dwellings can be satisfactorily dealt with via an engineering solution.</p> <p>The referral response states: 'the categorisation, hazard rating and depth of flows in this area of non-compliance with the Ministerial Direction to be of minor significance because the structure plan has 4 roads that can act as flow paths for major events'.</p> <p>It is considered that relevant engineering controls can be dealt with through DCP controls that apply to the SGA residentially zoned land.</p> <p>It is therefore considered that matters regarding flooding are considered justifiably inconsistent and that this Direction be considered as satisfied by the Planning Secretary (or their nominee).</p>
4.2	Coastal Management	N/A
4.3	Planning for Bushfire Protection	<p>CONSISTENT</p> <p>Direction 4.3(1) requires consultation with the Commissioner of the NSW Rural Fire Service following</p>

#	Direction	Comment
		<p>receipt of a Gateway determination under section 3.34 of the Act. This has not been undertaken as the Planning Proposal has not received a Gateway determination. RFS have been preliminarily consulted, and have raised no objections to the Planning Proposal, subject to a requirement that the future subdivision / development of the land complies with <i>Planning for Bushfire Protection 2019</i>.</p> <p>The majority of the subject site is currently identified within the bushfire prone land map as vegetation category 1 and 3. The Bushfire Assessment report concluded that by implementing the recommended strategies, the bushfire risk will be reduced. The need for appropriate temporary bushfire protection measures throughout the staging plans should also be investigated as part of the future design iterations.</p>
4.4	Remediation of Contaminated Land	<p>INCONSISTENT</p> <p>Contamination of the land has been considered as part of this Planning Proposal and a Preliminary Site Investigation (PSI) was submitted for the Rowan site in accordance with the contaminated land planning guidelines. The PSI identified areas for further testing as part of a future Detailed Site Investigation (DSI) for:</p> <ul style="list-style-type: none"> • The tipping site within the tributary creek line; and • At, and immediately surrounding, the shed on the eastern side of the property. <p>The DSI should also include a low-density sampling program to assess the potential broadscale impacts associated with the sites historical agricultural use.</p> <p>The DSI is recommended following Gateway determination.</p> <p>A Preliminary Environmental Assessment Report was submitted for the Sunnyside site.</p> <p>The report that was provided is a hybrid document that includes desktop analysis and some sampling. This is inconsistent with prescribed requirement for a Preliminary Site Investigation (PSI); therefore analysis of certain elements will be inconsistent throughout the document.</p> <p>Recommendation: Additional work and updates to the submitted documentation is required. It is recommended that this is dealt with during the Gateway Determination process to create consistency with this matter.</p>
4.5	Acid Sulfate Soils	N/A
4.6	Mine subsidence and Unstable Land	N/A
5.1	Integrating Land Use and Transport	<p>CONSISTENT</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter</p>

#	Direction	Comment
		<p>or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</p> <p>These documents referenced in this direction are quite dated, and the draft Planning Proposal is generally consistent with these documents.</p> <p>The Planning Proposal is for residential greenfield development on the outskirts of Wagga Wagga and outside the existing urban area. The Site is located further away from the CBD, key public transport nodes and other key employment and education hubs and is bisected by large rural lifestyle living lots of 2ha to up to 200ha and the proposed Wagga Wagga bypass. Future development on the Site will be heavily reliant on private vehicles as the main mode of transport.</p> <p>To mitigate this, the Planning Proposal has taken into consideration land use locations, street layouts, future subdivision and housing types and densities to promote walking, cycling and public transport use. Housing, jobs and services are proposed to be located to maximise accessibility to the Village Centre and key north-south and east-west road corridors.</p>
5.2	Reserving Land for Public Purposes	CONSISTENT
5.3	Development Near Regulated Airports and Defence Airfields	N/A
5.4	Shooting Ranges	N/A
6.1	Residential Zones	<p>CONSISTENT</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>The Planning Proposal encourages a variety of housing types in greenfield development however it does not make efficient use of existing infrastructure capacity. The land is constrained by the available capacity for a variety of services including sewerage and water. The Planning Proposal provides an Infrastructure and Services Delivery Plan to identify where and when infrastructure will be required to, along with the proposed funding mechanisms,</p>

#	Direction	Comment
		delivery model and ongoing maintenance responsibilities for the development. In accordance with Direction 6.1(2) controls will be applied to ensure that development is not permitted until land is adequately serviced (or satisfactory arrangements are in place).
6.2	Caravan Parks and Manufactured Home Estates	<p>INCONSISTENT</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>The draft Planning Proposal is considered inconsistent with Direction 6.2 (2)(b) as the principles listed in clause 125 of the Housing SEPP are not considered to be met.</p> <p>It is noted consistency is not required as Council do not support the introduction of a APU that would otherwise enable caravan parks and MHE's.</p>
7.1	Employment Zones	<p>CONSISTENT</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).</p> <p>Direction 7.1(1)(a) requires that a draft Planning Proposal will give effect to the objectives of the direction being;</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in employment zones, and</p> <p>(c) support the viability of identified centres.</p> <p>The draft Planning Proposal will be supported by provisions that enable, support and encourage the development of the commercially zoned land within Rowan Village.</p> <p>Direction 7.1(1)(b), (c), (d) and (e) are not specifically relevant to the draft PP.</p>
7.2	Reduction in non-hosted short term rental accommodation period	N/A
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
8.1	Mining, Petroleum Production and Extractive Industries	N/A
9.1	Rural Zones	<p>JUSTIFIABLY INCONSISTENT</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Direction (1)(a) applies in this instance.</p>

#	Direction	Comment
		<p>(1) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone</p> <p>The objective of this direction is to protect the agricultural production value of rural land. The draft planning proposal should be inconsistent with this direction as it proposes to rezone rural land to residential and employment uses.</p> <p>However, the draft planning proposal is considered to be justifiably inconsistent. The proponent will be requested to prepare an agricultural impact assessment during the gateway process to ensure the terms of this direction are met.</p>
9.2	Rural Lands	<p>JUSTIFIABLY INCONSISTENT</p> <p>This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that:</p> <p>(a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or</p> <p>(b) changes the existing minimum lot size on land within a rural or conservation zone.</p> <p>With respect to Direction 9.2(1), the draft Planning Proposal does not address these considerations. The draft Planning Proposal does not consider the objectives of this direction.</p> <p>However, the draft planning proposal is considered to be justifiably inconsistent. The proponent will be requested to prepare an agricultural impact assessment during the gateway process to ensure the terms of this direction are met.</p>
9.3	Oyster Aquaculture	N/A
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N/A

Table 28 – Summary & Recommendations – 9.1 Ministerial Directions

Matter	Assessment
Summary of Assessment	<p>The draft Planning Proposal is consistent with all relevant Ministerial Directions except the following:</p> <p>Justifiably inconsistent</p> <p>Direction 4.1 – Flooding</p> <p>Direction 9.1 – Rural Zones</p> <p>Direction 9.2 – Rural Lands</p> <p>Inconsistent</p> <p>Direction 4.4 – Contamination of Land</p> <p>Direction 6.2 – Caravan Parks and Manufactured Home Estates</p>
Recommendation	<p>In considering the impact of the inconsistencies, Council is satisfied that the remaining outstanding issues can be resolved during the gateway process. Council has consistently maintained that updates and provision of reports that address these inconsistencies are submitted for assessment. Accordingly, updated reports will be requested during the gateway process to resolve outstanding contentions with respect to;</p> <ul style="list-style-type: none"> - Contamination (including the update of the Preliminary Site Investigations, and submission of Detailed Site Investigations). - Rural Land, provision of agricultural impact assessments <p>Matters that can be resolved outside the gateway process is the flooding controls which will be managed through appropriate DCP controls.</p>

Section C – Environmental, Social and Economic Impact

8.8. 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?

Biodiversity

Three (3) draft Biodiversity Development Assessment Reports (BDAR) have been provided. The studies comprise of:

- Rowan Village
- Sunnyside
- Plumpton Road Corridor.

The Site contains the Endangered Ecological Community (EEC) Plant Community Type (PCT) 277 – Blakely's Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion. PCT277 Zone 1 supports vegetation which meets the criteria as a threatened ecological community (TEC) under the *Biodiversity Conservation Act 2016* (BC Act) (Box-Gum Woodland – which is a serious and irreversible impact (SAIL) entity).

Two significant inconsistencies in the BDARs for Rowan Village and Sunnyside have been identified. These are:

- Classification of vegetation. The BDAR for Sunnyside classifies some pockets of vegetation as PCT 277 Zone 1 (moderate value) while the BDAR for Rowan Village report classifies the same/similar cluster of vegetation on their boundary as PCT Zone 3 (low value)
- Koala feed tree species. The BDAR for Sunnyside states that the subject land does not contain any Koala feed tree species listed in Schedule 1 of the SEPP (Biodiversity and Conservation) 2021 and therefore the subject land is not considered potential koala habitat and does not constitute important or occupied koala habitat. The BDAR for Rowan Village reports the presence of Koala use trees.

The BDARs for Sunnyside and Rowan sites propose the removal of 23ha EEC from PCT 227, triggering the need for both ecosystem and species offset credits. Council is not satisfied that the Planning Proposal and BDARs have adequately demonstrated that the principles of the BC Act of 'avoid' and 'minimise' have been explored.

A draft BDAR for Plumpton Road has been completed in response to the Gateway determination report PP-2022-4114 and provides an overview of the potential impacts to the biodiversity along the eastern boundary of the Site for the anticipated development and ancillary works, such as the potential clearing for road upgrades.

Design changes to the proposed structure plan and master plans should be prioritised to significantly reduce the level of impact to both flora and fauna. In its current form, future development has potential to cause significant harm to threatened species, particularly on the EEC PCT 277 Z1.

The proponent was requested to provide updated information on 14 June 2024 that advised:

1. *The draft BDARs are inconsistent with each other and require bridging.*
 - a. *Consolidate the two BDAR reports and ensure consistency regarding classification of vegetation and Koala habitat for both sites.*
 - b. *Amend the two BDAR reports and the indicative concept designs and structure plan to:*
 - i. *Preserve PCT 277 Z1 trees and large scattered PCT 277 trees through re-design and/or provision of larger lots,*

- ii. *Retain hollow bearing trees and those with little Eagle Nest through re-design,*
- iii. *Avoid biodiversity offset credits.*

On the 20 June 2024 Council received further information which acted as a 'bridging document' between the two BDAR's and to resolve the inconsistencies identified.

Council staff reviewed this information and issued a further information request on 5 August 2024. The extract is provided below:

Further to the advice received from Ecological dated 20 June 2024, Council's Environment team have reviewed the response and provide the following commentary:

"In accordance with the Biodiversity Conservation Act, the proponent must ensure the development is considered as a whole and implement the avoid, minimise and offset hierarchy. It is a legal requirement for the proponent to show, before they can consider offsetting, that an impact cannot be avoided or minimised.

There is a lack of evidence within Ecological – Biodiversity overview of Southern Growth Area letter and the original Rowan village and Sunnyside BDARs that the direct and indirect impacts have been adequately avoided and minimised. The majority of the proposed retained vegetation is within drainage and riparian zones that cannot be used for residential use.

The Impacts and retention of PCT and vegetation zones detailed in Figure 2 and the Avoid and Minimise Biodiversity Impacts Table on Page 4 of Ecological letter details how 19.87 ha of the 39.3Ha of vegetation will be retained (excluding the impacted 48 scattered trees).

This is considered a significant loss of the already Endangered Ecological Community (EEC), considering the potential unavoidable impacts that may occur with the design of the Plumpton Rd upgrade.

Retaining areas of high environmental value should be a priority, therefore a better outcome for avoiding impacts should include:

- *the retention the PCT 277 (moderate condition) as a whole,*
- *retention and protection of Little Eagle Nest tree,*
- *further retention of PCT 277 (low condition)*
- *Reconsideration of whether RE1 zoning should be used as a protection measure of the retained vegetation. C2 zoning may better reflect the required protection of the NSW listed EEC along with known threatened species that occupy this vegetation including the Little Eagle Nest tree.*
- *All retained vegetation should include a buffer zone to ensure protection from residential implications i.e. APZs, safety concerns from falling limbs, and increase risk to property and infrastructure*

If the planning proposal is approved, additional conditions and mitigation measures will be required to further reduce biodiversity impact.

Accordingly, Council requested that the proponent:

- *Respond to the matters raised above.*
- *Amend and update any relevant documentation required to satisfy this response. This includes but is not limited to documentation including the draft Planning Proposal, draft BDAR, the Structure Plan Layout/Urban Design report.*

- *Recommend a meeting between Council's Environment team and your consultants to discuss the outstanding matters. This will ensure the additional work undertaken has been scoped in alignment with our Environment teams outstanding concerns.*

Council staff met with the proponent and consultants on 28 August 2024. At this meeting Council staff highlighted concerns around biodiversity, specifically the fact that the bridging document that was intended to connect the draft BDAR for Sunnyside and Rowan still did not provide sufficient information to allow the reader to understand the biodiversity value for both sites to be understood as well as the measures undertaken by the proponents to adopt the Avoid, Minimise and Offset regime.

The advice given by the Biodiversity and Conservation Division of the Department and echoed by Wagga Wagga City Council in previous correspondence was noted as still being applicable to the current planning proposal.

Departmental guidance regarding the LEP21/0001 (PP2022-4114 - Sunnyside) refusal was centred around the fact that the *Biodiversity Conservation Act & Regulation* establishes that Council must assess biodiversity values and likely impacts (direct, indirect and prescribed) that include all anticipated development and ancillary works off site. This includes any road upgrades and other utilities or infrastructure that is required to facilitate any future development.

Consideration must also be given to:

- Likely impacts to proposed retained vegetation and scattered paddock trees;
- Likely impacts on connectivity on and beyond the site, and;
- Cumulative impacts on the same Threatened Species or Endangered Ecological Communities from other projects such as the reduced minimum lot size of land on Gregadoo Road, the Gregadoo Solar farm, the Energy Connect East project and the Dunns Road upgrade.

The legislation also establishes the primacy of the 'avoidance hierarchy'. The current documentation provides insufficient evidence for Council to establish that the avoidance hierarchy has been robustly applied and justified, particularly when there is an SAI entity impacted.

If the SGA design can retain enough habitat, future development could involve minimal obligation for Biodiversity Offsets, which would represent a positive outcome for Council's Biodiversity objectives, and also for the Proponents time and costs in meeting this obligation.

This could be achieved through considering the addition of measures like:

- Avoiding all of the moderate condition PCT277 located to the west of the riparian corridor;
- Zoning the higher value environmental areas as C2 Environmental Conservation rather than RE1 Recreation;
- Incorporating appropriate buffer distances between zones to avoid future land use conflict that may result in removal or significant decline.
- Incorporating as much of the lower condition PCT277 into planned open space areas as possible;
- Incorporating as many of the scattered paddock trees into planned open space areas as possible;
- Creating an east-west corridor to allow threatened species movement.

Council understands that some elements of impact assessment are commonly left until DA stage. However, establishing the key principles around the protection of native vegetation such as the PCT 277 and scattered trees to ensure their incorporation within the design at development consent stage is crucial at a strategic planning stage.

Council staff do not support the location of formal sporting facilities within the area identified for moderate value PCT277, this particular change was accepted by the proponent.

The areas for protection need to incorporate an appropriate buffer distance from residential or commercial uses to ensure their ongoing viability and environmental value.

The proponent advised that they were unwilling to undertake any additional work prior to gateway determination. Accordingly, Council staff specifically engaged directly with DPHI on the matter of outstanding biodiversity considerations. DPHI advised that the status of the documents was acceptable for lodgement to Gateway Determination. Council accepted this advice, however, maintain that the issues raised above remain outstanding and will request and ensure that DPHI conditions the outstanding matters being resolved (along with any required amendments to the plans) during the Gateway Determination process.

Refer to further commentary within Section 9.1.

Table 29 – Summary & Recommendations – Biodiversity

Matter	Assessment
Summary of Assessment	<p>The following information remains in contention and must be resolved through the Gateway Determination process.</p> <p>Update the draft BDAR’s for Sunnyside and Rowan to clearly identify how the proposed development adopts the Avoid, Minimise and Offset regime.</p> <p>Ensure the draft BDAR’s are consistent with the advice issued by Biodiversity, Conservation and Science Group of the Department of Climate Change, Energy, the Environment and Water (DCCEE) and echoed by Wagga Wagga City Council.</p> <p>The refusal of Sunnyside LEP21/0001 was centered around the fact that the Biodiversity Conservation Act & Regulation establishes that Council must assess biodiversity values and likely impacts (direct, indirect and prescribed) that include all anticipated development and ancillary works off site. This includes any road upgrades and other utilities or infrastructure that is required to facilitate any future development.</p> <p>This also includes:</p> <ul style="list-style-type: none"> - Likely impacts to proposed retained vegetation and scattered paddock trees; - Likely impacts on connectivity on and beyond the site, and; - Cumulative impacts on the same Threatened Species or Endangered Ecological Communities from other projects such as the reduced minimum lot size of land on Gregadoo Road, the Gregadoo Solar farm, the Energy Connect East project and the Dunns Road upgrade. <p>The legislation also establishes the primacy of the ‘avoidance hierarchy’. The draft BDAR’s lack sufficient evidence for Council to establish that the avoidance hierarchy has been robustly applied and justified, particularly when there is an SAI entity impacted. Updated reports must address this matter.</p>

Matter	Assessment
	<p>The SGA design should retain enough habitat, so that future development could involve minimal obligation for Biodiversity Offsets, which would represent a positive outcome for Council's Biodiversity objectives, and also for the Proponents time and costs in meeting this obligation.</p> <p>This could be achieved through considering the addition of measures like:</p> <ul style="list-style-type: none"> • Avoiding all of the moderate condition PCT277 located to the west of the riparian corridor; • Zoning the higher value environmental areas as C2 Environmental Conservation rather than RE1 Recreation; • Incorporating appropriate buffer distances between zones to avoid future land use conflict that may result in removal or significant decline. • Incorporating as much of the lower condition PCT277 into planned open space areas as possible; • Incorporating as many of the scattered paddock trees into planned open space areas as possible; • Creating an east-west corridor to allow threatened species movement. <p>Council acknowledges that some elements of impact assessment are commonly left until DA stage. However, Council is seeking to establish the key principles around the protection of native vegetation such as the PCT 277 and scattered trees to ensure their incorporation within the design and avoid delays at the development consent stage.</p> <p>Council do not support the location of formal sporting facilities within the area identified for moderate value PCT277. The areas for protection need to incorporate an appropriate buffer distance from residential or commercial uses to ensure their ongoing viability and environmental value.</p>
Recommendation	Request finalisation of draft BDAR's that address the contentions outlined through a condition of any subsequent gateway determination.

8.9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Contamination

The Planning Proposal has provided a Preliminary Site Investigation (PSI) for Rowan Village, and a Preliminary Environmental Assessment Report (PEAR) for Sunnyside.

Rowan

The PSI identified four (4) potential areas of environmental concern (PAEC), which were associated with the following potential sources of contamination:

- Fill: associated with dumped material within and along the tributary line (concrete, bricks and timber along the tributary line).
- Animal carcasses and vegetation waste: associated with dumped animal carcasses and vegetation waste within the tributary line.
- Potential use of pesticides associated with grazing agriculture at the Site.
- Potential past and present storage of fuels and oil associated with the machinery storage shed at the Site.

Outstanding matters - Rowan

- The PSI was not prepared in accordance with POL 030 (no accreditation stamp).
- The PSI recommends the completion of a Detailed Site Investigation (DSI), but no DSI has been prepared.
- The conclusion of the PSI does not give certainty that the land is suitable for the proposed rezoning when a DSI is recommended.

Sunnyside

An assessment of the Preliminary Environmental Assessment Report is outlined below.

The report submitted is a hybrid document that includes desktop analysis and some sampling. This is inconsistent with prescribed requirement for a Preliminary Site Investigation (PSI), therefore analysis of certain elements will be inconsistent throughout the document. Please note the report only applies to the Sunnyside portion of the proposed rezoning and does not assess the rezoned area as a whole.

The report included inconsistent data of the soil sample depth, the summary provided advised up to 1pm, however within the report it advised 0.2m. In accordance with NEPC to apply with the Health Investigation Levels (HILs) a depth of 3m below surface level should be conducted for soil samples and a depth of 2m for Ecological Investigation Levels (EILs). The 0.2m depth is well below the 2-3m depth requirement, therefore does not provide an accurate analysis of the soil sample and could potentially have missed contaminants at a deeper depth. It also appears that Health Investigation levels were not assessed under recreational category, only Ecological Investigation Levels. Given part of the survey site is proposed recreational, this should have been considered.

The report provided a recommendation that may be problematic in terms of timing for rezoning.

'Following rezoning, and prior to development, the below identified areas of environmental concern will require further investigation, in the form of a detailed site investigation (DSI). It should be noted that these issues need only be addressed where development will be occurring. It is understood that the existing main residence is not part of the current subdivision (possible future Stage 9) and can be addressed if and when development occurs.'

- The area at, and immediately surrounding the storage sheds south of the main residence;
- The abandoned homestead; and
- The tipping site and stockpiles adjacent to the dam.

Current zoning plan show the entirety of the site will be developed either through residential or recreational zoning, therefore it would be recommended a DSI is to be completed before rezoning, to ensure the correct zoning of the potential contaminated land and minimising the risk of finding potential contaminates after rezoning has taken place.

A recommendation advised *'Due to the presence of coliforms encountered in the soil samples, it is recommended that during the subdivision earthworks that any impacted soils be disposed of or treated.'*

The report does not provide details on how the soil is required to be treated or the disposal requirements.

Outstanding matters - Sunnyside

The matters raised above must be addressed. This is detailed in the recommendation below.

Table 30 – Summary & Recommendations – Contamination

Matter	Assessment
Recommendation	<p>An updated report is required for Sunnyside that addresses the methodology and requirements for a 'Preliminary Site Investigation'. A detailed site investigation is also recommended to be undertaken prior to rezoning of the land.</p> <ol style="list-style-type: none"> 1. Both contamination reports must have regard to Council policy - POL 030 (Contaminated Land Management). Please update both reports to ensure consideration and consistency with this Council policy (including certification requirements). 2. The Preliminary Environmental Assessment Report requires the following amendments: <ol style="list-style-type: none"> a. The submitted report is a hybrid document that includes a desktop analysis and limited sampling. This is inconsistent with the prescribed requirements for a Preliminary Site Investigation therefore creating inconsistencies with the documentation. b. The report contains inconsistent data of soil sample depth. In accordance with the NEPC c. Additional assessment is required for the recreational category to include consideration of the Health Investigation Levels not just Ecological Investigation Levels. 3. Submit a Detailed Site Investigation for the entirety of Zone 1 which is prepared in accordance with the relevant guidelines and legislation. The Detailed Site Investigation must take into consideration of the recommendations of both the Preliminary Environmental Assessment Report (Sunnyside) and Preliminary Site Investigation (Rowan Village). The proposed zoning plan shows the entirety of the site will be developed either through residential or recreational zoning, therefore it is requested that a DSI is

Matter	Assessment
	completed before rezoning, to ensure the correct zoning of the potential contaminated land and minimising the risk of finding potential contaminants after rezoning has taken place.

Aboriginal and Cultural Heritage

The Planning Proposal has provided an Aboriginal Cultural Heritage Assessment (ACHA) and a Cultural Values Assessment (CVA) for the Rowan site, while an ACHA has been prepared for the Sunnyside site. An assessment of the key findings of the proponent's investigations is summarised below.

Rowan Site

- Relevant RAPs were consulted early in the process.
- The archaeological survey resulted in the identification of four (4) Aboriginal archaeological sites, including three artefact scatters, and one isolated find.
- However, there were adverse conditions when the archaeological survey was undertaken, including flooded areas and low visibility in all nine (9) Survey Units (SUs) with ground surface visibility (GSV) ranging from 0% to 10% in eight (8) SUs and 40% at SU5. The survey is inconclusive and cannot be relied upon.
- The creek line of an unnamed tributary of Stringy Bark Creek is an archaeologically sensitive feature which indicates an area of higher potential for Aboriginal objects to be found within a 200-metre buffer zone.
- The soil landscapes have high potential for Aboriginal objects to be found.
- There are six (6) locations of cultural value that have been identified: an unnamed waterway and Song Line, a Ring Tree, a Cultural Tree, Cultural Habitat Trees (south), Cultural Habitat Trees (north), and Cultural Habitat Trees (south-east).
- The identified archaeological sites and locations of cultural value are not overlaid on top of the concept plan. Therefore, the Planning Proposal has not yet demonstrated that the sites will be adequately protected.
- The Urbis ACHA report recommends that mature trees within the Site be retained even if they are not culturally significant.

Sunnyside Site

- Relevant RAPs were consulted early in the process.
- The archaeological survey resulted in the identification of five (5) Aboriginal archaeological sites, including two areas of potential archaeological deposits (PAD), and three areas of cultural PAD (CPAD). The survey also identified six (6) newly recorded Aboriginal heritage sites, consisting of two isolated finds, one artefact scatter with an area of PAD, and three culturally modified trees.
- There were good conditions when the archaeological survey was undertaken. GSV was fair across the project area and grass length was generally low. GSV was 50% along the banks of drainage lines and Stringybark Creek. GSV was 30% along the lower slopes.
- The soil types and landforms have high potential for Aboriginal objects to be found.

- The identified archaeological sites and locations of cultural value are not overlaid on top of the concept plan. Therefore, the Planning Proposal has not yet demonstrated that the sites will be adequately protected.
- The report is inconclusive about which identified sites will or will not be protected.

Table 31 – Summary & Recommendations – Aboriginal and Cultural Heritage

Matter	Assessment
Summary of Assessment	<ul style="list-style-type: none"> • Relevant RAPs were consulted early in the process. • Archaeological surveys were undertaken. • The survey for the Rowen site is inconclusive due to adverse conditions and cannot be relied upon. • The survey for the Sunnyside site is conclusive and can be relied upon. • The identified archaeological sites and locations of cultural value for both sites are not overlaid on top of the concept plan, making it difficult to assess the impacts and site-specific merits of the proposal. • The ACHA report for the Sunnyside is inconclusive about which identified sites will or will not be protected. <p>The following documents were assessed as part of this report:</p> <ul style="list-style-type: none"> • Draft Planning Proposal Report • Aboriginal Cultural Heritage Assessment (ACHA) – Rowan Village (unredacted) • Aboriginal Cultural Heritage and Archaeological Report – Sunnyside Estate (unredacted) • Cultural Values Assessment Report (CVA) – Rowan Village (unredacted)
Recommendation	<p>The reports as submitted are suitable for progression to Gateway Determination, however the outstanding matters will be required to be finalised prior to exhibition of the Planning Proposal.</p> <p>It is recommended the following work is undertaken to finalise the subject assessments:</p> <ol style="list-style-type: none"> 1. Undertake a second archaeological survey for the Rowan site on a day with good site and weather conditions to achieve ground surface visibility equal or greater than 50%. If additional sites of significance are found and are likely to be impacted, the proposal is to be redesigned, if required, to avoid impacts. The ACHA report is to be amended accordingly. 2. Overlay all identified archaeological sites and sites of cultural value of both sites on top of the concept plan to clearly demonstrate that the Planning Proposal avoids and protects Aboriginal sites of significance. Update the ACHA, Urban

Matter	Assessment
	<p>Design and Structure Plan reports accordingly to clearly identify the sites that are protected using an avoidance and mitigate hierarchy.</p> <ol style="list-style-type: none"> 3. Amend the ACHA report for the Sunnyside site to clearly identify the sites that will be protected and provide details for avoidance of impacts in relation to the culturally modified trees. 4. Retain mature trees within the site even if they are not culturally significant. 5. Ensure that all recommendations contained in the two ACHA reports and the CVA report are implemented throughout the various approvals and development stages for the Site. 6. Update draft ACHA reports to confirm that appropriate investigations were undertaken on Lot 1, DP870056 which is the subject of this draft Planning Proposal. 7. Update the draft ACHA report to include Lot 1 and Lot 2, DP1171894 and confirm these areas were investigated as part of the report.

European Heritage

There are no local or state heritage items located within SGA Zone 1. A Heritage Impact Statement was submitted with the draft Planning Proposal, this was to address any concerns with a heritage item (#189) that is located within the vicinity of Zone 1. No impact is expected to result on this individual heritage item as a result of the development. The recommendations of the heritage impact statement dated 18 December 2023 are supported.

Flooding

Refer to assessment undertaken in Section 8.7 under Ministerial Direction 4.1

Bushfire

Refer to assessment undertaken in Section 8.7 under Ministerial Direction 4.3

8.10. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal provides both a Social Infrastructure and Open Space Assessment and a Residential and Retail Market Demand Assessment.

The Social Infrastructure Assessment finds that the proposed provision of enabling social infrastructure for the community underlines the positive impacts of the proposal, through increased diversity in housing types to meet demographic and cultural change (including a seniors' living village), a village centre capable of supporting retail offerings and services, and the delivery of connected open spaces, active transport routes and opportunities for outdoor recreation.

The expected positive economic impacts of the proposal on the immediate and broader community and region as detailed by the Residential and Retail Market Demand Assessment include direct

and indirect jobs in the construction and operational phases of development, support for the trade area population and wider population growth across Wagga Wagga.

The draft Planning Proposal is supported by limited detail with to the future layout design of the commercially zoned land. Whilst this level of detail is not required at a planning proposal stage, Council wants to ensure that the future outcomes of this site are appropriately considered and managed. The proposed local clause will seek to ensure a comprehensive master planning process is undertaken for the commercially zoned land within the SGA. This is discussed in detail in Section 5.5.

Table 32 – Summary & Recommendations – Social & Economic Impacts

Matter	Assessment
Summary of Assessment	<p>The Planning Proposal has adequately assessed the potential social and economic benefits of the proposal. 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 been addressed.</p> <p>The following documents were assessed as part of this report:</p> <ul style="list-style-type: none"> • Planning Proposal Report • Social Infrastructure and Open Space Assessment • Residential and Retail Market Demand Assessment
Recommendation	<p>The Planning Proposal contains sufficient information relating to the consideration and implementation of the Local Strategic Planning Statement with respect to social and economic impacts.</p> <p>Refer to other recommendations in Sections 8.4 and 8.11 that are relevant to social and economic impacts.</p>

Section D – Infrastructure (Local, State and Commonwealth)

8.11. Is there adequate public infrastructure for the planning proposal?

This section considers planning proposal includes development that will, or is likely to, require the provision of, or increase the demand for, public facilities and services.

The draft planning proposal includes an Infrastructure and Services Delivery Plan (ISDP) that outlines the capacity of existing infrastructure and when new infrastructure may be required to service new development. The draft planning proposal is also supported by a draft offer to enter into a planning agreement.

With respect to the offer to enter into a planning agreement, Council staff and the proponents have continued to negotiate and identify a list of infrastructure required to service Zone 1 of the SGA, along with trigger points for the delivery of this infrastructure. These negotiations have not been able to reach a resolution, so Council staff have now prepared a Contribution Plan to collect contributions for the necessary infrastructure.

The local infrastructure required to service new development is usually funded under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), with contributions collected by Council under a contributions plan. Section 7.11 contributions collected under such a plan are capped in greenfield areas like the SGA to \$30,000, unless the contributions plan is approved by IPART.

Council staff and the proponents have agreed on the infrastructure projects and the estimated cost of this infrastructure (in 2024/25 dollars) to be included in any proposed planning agreement.

Notwithstanding the following sections discuss public infrastructure provision and the constraints, need and servicing capacity.

Infrastructure funding mechanisms and approach has been discussed in the Key matters section of the Executive Summary.

Sewer

Currently the Koorungal STP will require a short-term solution to manage peak average dry weather flows (ADWF), but in the long term require upgrades to the entire plant (already identified within Council's Long Term Financial Plan) to 7ML/day ADWF capacity.

Council's City Engineering Department has advised, at the time of writing, that there is capacity to accommodate the sewage from 440 lots at the Koorungal Sewer Treatment Plant (STP). Budget is proposed in the 2025/26 Council budget to undertake a feasibility study for the temporary storage of wastewater in tanks to create additional capacity for an additional 500-750 dwellings in Zone 1 in advance of a planned upgrade to the Koorungal STP.

The proponent prepared an Infrastructure and Servicing Delivery Plan (ISDP) to inform their planning agreement offer. The ISDP identified that the developer would deliver the lead in sewer infrastructure to the Koorungal STP and that suitable upgrades would be required to the Koorungal STP.

To sustainably manage the capacity constraints mechanisms are in place to ensure that development cannot proceed unless adequate arrangements have been put in place.

Sewer contributions are proposed to be levied under the relevant Development Servicing Plan (DSP) that applies to the land.

Water

Riverina Water County Council (RWCC) has been actively involved in discussions regarding the SGA since 2023 when Council staff held a 'Future Growth' with key agency stakeholders to outline long term options for the city, including the SGA. Following its lodgement, the draft Planning Proposal was referred to Riverina Water on 18 January 2024, with a response being provided on 13 February 2024. Further discussions between Council and Riverina Water staff have also occurred during January and February 2025.

RWCC has advised that the SGA is serviceable and that they can currently service the first 422 dwellings without any infrastructure upgrades. However additional infrastructure, including a new rising main, storage reservoir and trunk main will be required to service the balance of Zone 1. At the time of writing, Riverina Water has engaged a third-party consultant (Public Works) to undertake a review and update of their hydraulic model and incorporate the additional information relating to the Southern Growth Area and broader LGA. This review is understood to have a preliminary draft delivered by March 2025.

The update to the model will also detail any upgrades required to existing infrastructure, as well as detailing any new infrastructure requirements. Whilst the updated hydraulic model remains under review, any future servicing capacity and infrastructure requirements beyond Year 1 are not yet known. This includes the cost for any works beyond Year 1 of the development.

Riverina Water has also advised:

- Indicative estimates note that additional capacity to service beyond Year 1 of the SGA growth would be available in approx. 3-5 years from confirmation of the planning approval.
- Timeframes are proposed to be refined once the infrastructure requirements are known and prioritised within existing capital works programs.
- Infrastructure delivery will be dependent on scope, planning requirements such as land acquisition, design and construction.
- Once the hydraulic modelling is complete and a full list of infrastructure requirements is known, Riverina Water will be able to provide more detailed information on the scope of works, the costs involved (both to Riverina Water and the developers) and the timeframe for delivery."

To sustainably manage the capacity constraints mechanisms are in place to ensure that development cannot proceed unless adequate arrangements have been put in place.

Proposed solution – Water & Sewer

A dwelling cap is recommended to protect the sustainable delivery of infrastructure whilst planning for long term capacity and infrastructure delivery across the precinct. The cap would be introduced as part of the dwelling densities clause (called 'a restricted dwelling yield') and be subsequently removed once infrastructure planning for water delivery is complete. This would require a future LEP amendment, to remove the cap at a suitable time.

The cap would be introduced as part of the dwelling densities clause and be subsequently removed once infrastructure planning for sewer delivery is complete. This could be done through an expedited process under section 3.22 or a basic planning proposal.

The Wagga Wagga Local Environmental Plan currently provides protection for Urban Release Areas under Clause 6.2 which states "*Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*"

This clause cannot be varied under clause 4.6 of the LEP. This clause aims to ensure that land within an urban release area can accommodate future development and the infrastructure needs arising from increased density. This means government authorities are not burdened by the cost of infrastructure associated with development and avoids the potential for cost-shifting.

The risk with enabling the rezoning however is this may result in development being placed on hold while capacity is being developed.

Stormwater

Council had identified a series of stormwater upgrades required throughout the delivery of the SGA for the consideration of the proponent group. The identified infrastructure requirements are upgrades of existing culvert structures or required the construction of new stormwater road crossings and are all works that are required to be undertaken by the developer as part of the subdivision development. No infrastructure upgrades were considered to be required as 'local infrastructure' (which benefits others, not just the proposed development). This is due to the fact that any development of Zone 1 will be required to retain and manage stormwater to meet pre-development flows and have no downstream impacts on the existing stormwater network.

Stormwater contributions are proposed to be levied under the relevant Development Servicing Plan (DSP) that applies to the land.

Roads & Traffic

The Planning Proposal has provided a Traffic Management and Access Plan (TMAP) and an Indicative Layout Plan (ILP) that provides a legible network of streets within the Site with a hierarchy consisting of collector roads, primary local streets, local streets, park streets and emergency roads.

The Planning Proposal has provided an overview of the proposed transport demands arising from the proposed ILP and this has been addressed through an appropriate road hierarchy.

A series of road and intersection upgrades are required in the SGA to facilitate adequate transport movement for the influx of population into the southern district of Wagga Wagga.

The road upgrades have been identified in the infrastructure list provided in **Error! Reference source not found.** and is based on the following matters and context:

- The developer ran a traffic model (funded by the developer) to identify the road infrastructure upgrades required to support the development
- This model stated Holbrook Road is not required to be upgraded until after the development of SGA Zone 1 (2,900 lots)
- Council's internal assessment using the EMME traffic model indicates that Holbrook Road, including a number of intersections along Holbrook Road will require upgrade following the completion of 2300 lots.
- Council's EMME model was developed in 2022 in consultation with the Strategic Planning team and assumed the below trip distribution (origin/destination) based on employment hubs. This was considered a fair assumption given the distribution of employment hubs and focal points across the network.

Table 33 – Traffic Model Assumptions

Origin/Destination	% Allocation
CBD/Central	40
Health Precinct	15
Airport	2
Charles Strut University	5
Bomen	8
Internal (SGA)	5
Kapooka	10
Other Industry (East Wagga)	10
Rural	5

- The EMME model’s inbuilt module chooses the “shortest or best route” based on attractiveness of the route (e.g. speed limit, congestion, route alignment, pinch points, etc) to arrive at the desired destination.
- Given the above distribution, Council’s model identified upgrades to Holbrook Road and respective intersections.
- The model utilised by the developer does not appear to adopt the above assumptions. Consequently, the difference in output between the two models.
- The model assumptions and outputs have been reviewed by Council staff, who do not agree with the trip and origin distribution ration used between Holbrook Road and Plumpton Road
- To reduce the risk to Council and the community of the upgrade not being delivered, the negotiations regarding the timing of the delivery of Holbrook road focused on achieving a staged construction throughout the development. The developer does not have the appetite for this proposal.
- To address this conflict it is proposed the developer undertake another traffic model of the area with the trip and origin distribution agreed by Council. It should be noted this may effect SGA Zone 1 impact on Plumpton road also.

Accordingly, there is an inadequate assessment of the proposed impact on the wider Wagga Wagga Road network. Greater assessment of the proposed impact to Plumpton Road, Holbrook Road, Bourke Street and Glenfield Road north of Red Hill Road will be required to ensure that a holistic assessment of the proposed impacts and required infrastructure works are understood.

The proponent will be required to undertake additional trip origin destination modelling so that the provision of infrastructure can adequately address the impacts of development on Plumpton Road and Holbrook Road.

Community infrastructure

Refer to detailed discussion in Section 8.4 with respect to the ROSC.

Open space – district park, local park & passive open space.

Refer to detailed discussion in Section 8.4 with respect to the ROSC.

Schools

Ongoing discussions with the Department of Education has indicated that the land allocation of 3ha is sufficient area for consideration of a primary school. Further detailed analysis is required by the Department to determine whether a high school is required, the future land should this be required has been identified as *'Investigation Area for Educational Facilities – subject to further review'*. Council staff expect that further engagement with the Department will occur as part of the Gateway Determination process.

Electrical infrastructure

The application was referred on 18 January 2024 to Transgrid as there are existing overhead transmission lines that traverse the site east west (along the southern boundary) and north south (centrally). The application was also referred to Essential Energy as the relevant supply authority.

A response from Transgrid was received on 15 October 2024 providing comments regarding the future subdivision and matters that should be considered. The referral response comments did not provide any concerns for the proximity of the transmission lines in relation to the proposed residential land. The majority of comments received will be utilised to inform DCP controls alongside consideration of Transgrid's Easement Guidelines.

A response from Essential Energy was received on 15 August 2024 confirming that Essential Energy had expedited the southern area of Wagga in their strategy reviews and that they had assess the planning proposal.

All electrical infrastructure exists within easements and will form part of the passive open space being provided as part of the future development of the land. As the easements encumber this land, they do not count to the overall open space requirements set out under the ROSC.

It is expected that the existing electrical infrastructure does not have the spare capacity to service approximately 2,900 lots proposed within Zone 1. Additional upgrades throughout the Essential Energy electrical supply network are likely to be required to service the remainder of the SGA as demand increases over time. These requirements are understood by Essential Energy as detailed in their referral response. The developer will also need to ensure they continue to consult with Essential Energy to ensure that adequate planning is completed to ensure appropriate servicing capacity is delivered.

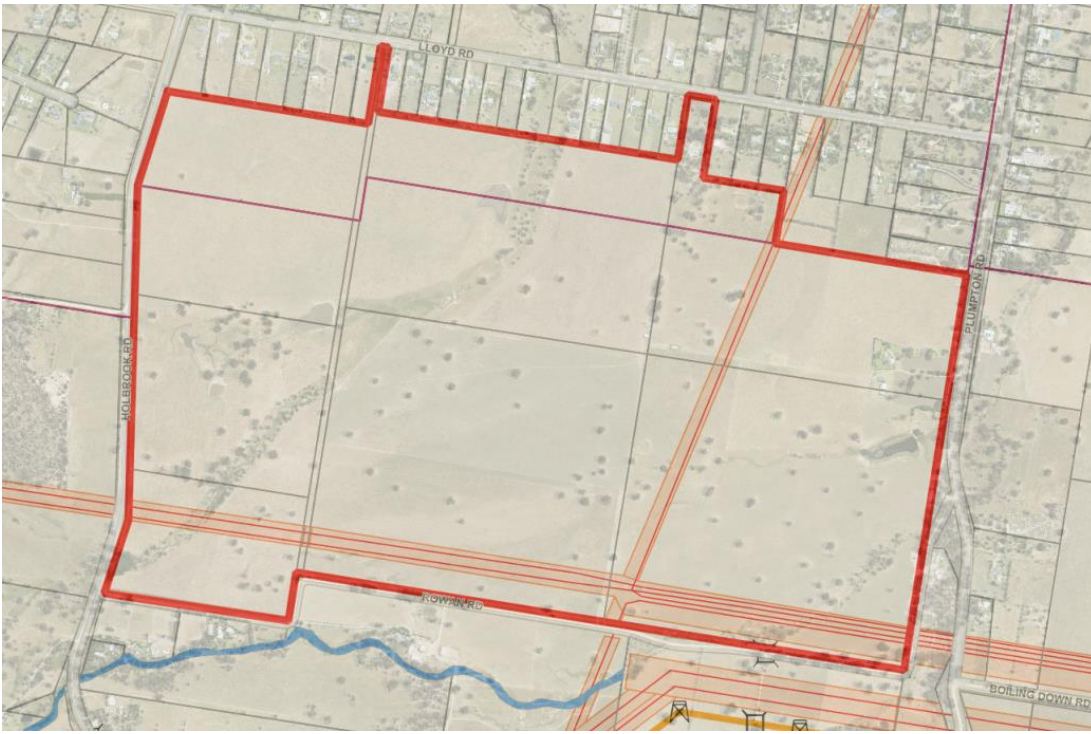


Figure 17 – Existing electricity infrastructure and easements

Section E – State and Commonwealth Interests

8.12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Refer to Section 9.2.

Other miscellaneous considerations

8.13. Technical reports

The draft Planning Proposal is supported by a broad range of detailed technical reports. The draft Planning Proposal and supporting documentation were referred as part of the assessment process to both internal and external stakeholders (see referral responses in Section 9).

The outcomes of this referral process identified a range of technical gaps with a number of the reports. Accordingly, these matters were raised with the proponent through multiple detailed further information requests. However, while these matters were clearly identified to the proponents on multiple occasions during the assessment process, they were not ultimately resolved prior to finalisation of this assessment report.

As part of the assessment of the planning proposal staff have considered the issues raised and have determined that the outstanding matters can be resolved during the gateway process prior to exhibition of the draft Planning Proposal. In assessing the outstanding information staff considered whether these matters where unresolved led to a position where the application did not warrant support.

An assessment of the outstanding information has determined that pending a favourable recommendation, resolution of this information prior to a Gateway Determination being issued are not detrimental to the progression of the application and that these matters can be appropriately managed, updated and completed through a Gateway Determination process. This position has also been supported by the Department of Planning, Housing and Infrastructure (DPHI) who has advised verbally that outstanding issues not detrimental to determining the strategic merit of a proposal can be managed, conditioned and completed as part of a Gateway Process.

The information that remains outstanding is outlined below and includes comments regarding the reasons for deferring the additional updates of these reports until a Gateway Determination is received.

It should be clearly noted that a detailed assessment of the technical reports is outlined in the relevant sections throughout the assessment report. This culminates in a detailed assessment being provided in Section 11 (Recommendations).

A high level overview is provided in the table below.

Table 34 – Outstanding information

Outstanding matter	Assessment
Biodiversity (draft BDAR's)	Acceptable for assessment (consistent with advice received from DPHI). Outstanding matters are to be dealt with during the gateway process prior to exhibition. Council staff specifically engaged directly with DPHI on the matter of outstanding biodiversity considerations. DPHI advised that the status of the documents was acceptable for lodgement to Gateway Determination. Council accepts this advice, however will request and ensure that DPHI conditions the outstanding matters being resolved (along with any required amendments to the plans) during the Gateway Determination process.
Flooding	Information lodged was acceptable for assessment. Outstanding matters identified by City Engineering are to be resolved through the preparation of the Development Control Plan

Outstanding matter	Assessment
Strategic Bushfire Study	<p>Acceptable for assessment. Outstanding matters are to be dealt with during the gateway process prior to exhibition.</p> <p>Outdated structure plan used to inform the study; however, the principles and considerations identified within the report are sound.</p> <p>The matter was referred to the NSW RFS who raised no objection subject to continued consideration of <i>Planning for Bushfire Protection</i>.</p>
Agricultural land values	Outstanding matters are to be dealt with during the gateway process prior to exhibition.
Cultural Heritage	<p>Acceptable for assessment. Outstanding matters are to be dealt with during the gateway process prior to exhibition.</p> <p>Additional survey work is required.</p>
Contamination	<p>Acceptable for assessment. Outstanding matters are to be dealt with during the gateway process prior to exhibition.</p> <p>Second stage Detailed Site Investigations (DSI) are recommended to be undertaken prior to rezoning. The Preliminary Site Investigations (PSI) recommendations are acceptable for progression of the Planning Proposal at this stage.</p>

8.14. Development Control Plan Provisions

A draft site-specific development control plan (draft DCP) has been prepared in support of the Planning Proposal and considers the requirements set out in Clause 6.3(3) of the Wagga Wagga Local Environmental Plan 2010.

The draft DCP provides high level site-specific development controls for the future development in Zone 1. It is intended to be included within Part E (Site specific controls) of the Wagga Wagga Development Control Plan 2010.

Table 35 – Summary & Recommendations – Development Control Plan

Matter	Assessment
Summary of Assessment	<p>The Planning Proposal discusses the ability to enable development with respect to the Wagga Wagga Development Control Plan.</p> <p>Multiple iterations of the draft DCP are likely to be required throughout the Planning Proposal process. While the draft DCP addresses the requirements of Clause 6.3(3) of the LEP at a high level.</p>
Recommendation	The draft Planning Proposal is supported by a draft Development Control Plan. This will be separately assessed at a future date as a separate process.

8.15. Previous refusal of Sunnyside

On 22 December 2022 the Department advised that it did not support the original Sunnyside planning proposal, requested that it be withdrawn and asked that a new combined comprehensive submission be made by Sunnyside and Rowan together. Following this, on 31 Jan 2023, the Department met with the proponents for LEP21/0001 (Sunnyside) to discuss potential withdrawal of the proposal.

In May 2023 the Department refused gateway determination stating that the proposal should not proceed for the following reasons:

1. the planning proposal did not demonstrate strategic merit, including:
 - a. inconsistency with Council's Local Strategic Planning Statement (LSPS),
 - b. justification for an additional urban release area in advance of the Northern Growth Area,
 - c. feasibility of providing infrastructure and services,
 - d. identification of staging of development and infrastructure upgrades in the SGA and in the context of providing services to multiple development fronts across the city.
2. the planning proposal was presented as two disjointed parts and did not clearly explain the proposed zone boundaries, the structure plan/master plan inconsistencies, and the status of the Council-prepared structure plan.
3. the planning proposal did not provide an adequate assessment of the site-specific matters, including potential flood impacts, salinity and bushfire, Aboriginal Cultural Heritage Assessment, biodiversity, an assessment against the Riverina Murray Regional Plan 2041 and justification for the inconsistencies with Ministerial Directions 5.1, 5.2, 8.1, 9.1 and 9.2.

Following the Department's advice of 22 December 2022 and subsequent correspondence from the Department reinforcing its position, the Rowan Planning Proposal was placed on hold while Council met with the Department of Planning, Housing and Infrastructure (previously the Department of Planning and Environment), to understand the required approach for a successful planning proposal Gateway Determination. Council, the Department and the proponents for both Rowan and Sunnyside have continued to collaborate to establish a pathway to approval.

In June 2023 Council met with senior members of the Department to identify a pathway to approval. Building on the reasons for refusal provided as part of the Gateway Determination, Council and the Department developed a four-step process to facilitate success of a subsequent planning proposal.

This included the following:

1. Strategic planning rationale

Council has undertaken strategic feasibility and precinct identification work, and further explored the relationship between key strategic documents and the delivery of the SGA. The Housing Strategy has also significantly progressed and the background analysis for this strategy provides substantial analysis and insight into Wagga Wagga's changing demographic and housing needs into the future.

Drawing this strategic analysis together, and in response to the resolution of Council in August 2022, Council staff presented the Southern Growth Area Strategic Context Paper to the Ordinary Council Meeting of 13 May 2024. This Context Paper provided a detailed analysis of the strategic merit for the proposal, including the changing context for housing in Wagga, the projected growth in population to 2041 and the supportive strategic planning to achieve this.

This assessment report builds on this and addresses further alignment within Sections 8.1 and 8.4.

2. Precinct wide infrastructure requirements

A planning agreement is currently being negotiated between Council and the proponent group as part of the Planning Proposal. It is Council's expectation that this VPA is entered into and executed

prior to the gazettal of the planning proposal. The reason for this being that a VPA is the only way for Council to secure the funds required to support the provision of enabling infrastructure in the south of the City. The VPA and the supporting infrastructure enables the strategic merit of the planning proposal to be adequately assessed and supports the justification for the growth area more broadly.

3. Combined planning proposal

The current planning proposal package is supported by a set of baseline analysis and reporting for each site, as well as precinct level assessments of key services infrastructure need, traffic network performance, social infrastructure demand, residential and retail demand to support the growth of the wider Wagga Wagga Southern Growth Area (SGA).

The Urban Design Report includes an overall structure plan that has been prepared in collaboration between the landowners and project team and broader high-level direction and feedback from Council staff.

This planning proposal represents a 'coming together' of the Rowan Village and Sunnyside landholdings to deliver a consolidated land use approach that delivers, housing and infrastructure and service capacity for Zone 1 and the broader SGA.

4. Fresh planning proposal

Submission of application LEP24/0003 satisfies this request as it is a new planning proposal being assessed.

9. Internal, External and Community Consultation

9.1. Internal

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

Table 36 – Internal Consultation during assessment

Type	Comment Summary	Assessment Officer Response
Aboriginal cultural heritage and archaeology	<ol style="list-style-type: none"> 1. The reports are inconsistent between the two sites. The reports should be consolidated to ensure that there is comparable reporting and consistent recommendations. 2. No detail provided for ongoing management strategies for both Rowan and Sunnyside. 3. No reference is made to impacts from wider infrastructure works, particularly within the Holbrook Road and Plumpton Road corridors. 4. Rowan: <ul style="list-style-type: none"> – Further surveys are required as the completed URBIS report identifies inadequacies in the first survey. 5. Sunnyside: <ul style="list-style-type: none"> –No detail provided for avoidance of impact particularly in relation to the culturally modified trees or how the trees will be managed into the future. –Further testing of PAD areas is recommended to identify areas for avoidance. 	<ol style="list-style-type: none"> 1. The reports are not consolidated but can be read in conjunction with one another. The reports are not considered inconsistent. 2. Aboriginal Cultural Heritage Management Plan and Archaeological Management Plan are to be prepared and submitted as part of any future Development Applications for the subdivision of the land. 3. The ACHA reports acknowledge that, in the event the Planning Proposal is approved, the whole of the Site would likely be impacted from the construction of the residential areas. This report recommends that the identified sites be overlaid on top of the concept plan to better understand potential impacts. Noting, however, that impacts from wider infrastructure works will be better understood at the Development Application stage once road designs are prepared by the proponent. 4. This report recommends that the Rowan site be re-surveyed Pre-Gateway or at Gateway stages. If additional sites of significance are found and are likely to be impacted, the proposal is to be redesigned to

Type	Comment Summary	Assessment Officer Response
		<p>avoid impacts. The ACHA report is to be amended accordingly.</p> <p>5. The ACHA report for the Sunnyside site is to be amended to address the following:</p> <ul style="list-style-type: none"> • Provide a map with the archaeological and cultural value sites overlaid on the indicative concept plan to aid the assessment of the impacts. • Provide details for avoidance of impacts in relation to the culturally modified trees. • Clearly identify the sites that will be protected.
Biodiversity	<ol style="list-style-type: none"> 1. The two provided BDARs do not assess Zone 1 as a whole. 2. Different species are assessed in each BDAR, and do not both consistently consider the removal of Ecological Endangered Community (EEC) as a Serious and Irreversible Impact. 3. No assessment provided of potential future development or changes to Plumpton Road. 4. Proposal for 23ha of EEC removal is significant and would have significant impact on current biodiversity. This will require both Ecosystem and Species credits with both BDARs. 5. A high priority should be made to retain as much EEC as possible. By re-designing the layout of the sub-division, it could potentially lower the impact significantly. 6. Small design changes in the sub-division layout should be made a priority to retain significant habitat features (eg. Little Eagle and nest). 	<p>Noted – recommendations discussed in Section 8.8 and Section 11.</p>

Type	Comment Summary	Assessment Officer Response
	<p>7. By avoiding additional EEC removal and threatened species habitat would likely reduce the required amount of ecosystem and species credits therefore reducing financial costs. This would also provide a better outcome for the local biodiversity of the area.</p> <p>8. Does not support the planning proposal based on its current sub-division design.</p> <p>9. Potential for significant impacts in the Plumpton Road corridor. No similar assessment is available for the Holbrook Road corridor.</p>	
Community services	<p>1. No mention of any dedicated social or affordable housing and in the absence of any planning mechanism this is unlikely to yield that outcome for our community.</p> <p>2. Support for an active transport network and an identified neighbourhood level community/recreation hub/space. This would allow for things like the Agile Library outreach service to park and attend at that site, along with passive recreation trails that can be designed into retaining the existing EEC of the site.</p> <p>3. The staging of development for retail space should be carefully considered given the challenges that have been experienced across the LGA.</p> <p>4. Investigate whether sports facilities should be delivered earlier than Years 5, 10 and 11 given the anticipated population growth.</p>	<p>1. Contributions to social and affordable housing cannot be levied without an Affordable Housing Contributions Scheme</p> <p>2. Noted – active transport and community spaces are proposed to be connected. This is shown in Figure 5.</p> <p>3. Noted – controls have been introduced through the to manage this growth sustainably.</p> <p>4. Sports facilities will be delivered to align with the staging and timing plan.</p>
Contributions	<p>1. The Infrastructure and Service Delivery Plan (ISDP) will need to be approved by the appropriate Council staff. Once this is in place, the negotiation of the planning agreement (VPA) will be very straight forward.</p>	<p>These matters will be addressed by Council separately as part of the Development Contributions and Voluntary Planning Agreement Processes. Noting this referral response was received in February 2024 the figures</p>

Type	Comment Summary	Assessment Officer Response
	<ol style="list-style-type: none"> 2. Section 64 contributions should be considered in the VPA. 3. Notes the decrease in the overall lot yield from 5,500 (2022) to 4,750 (2024), however Council staff did planning based on 5,500 lots. 4. Support for Stage 1 being split up and delivered over 12 years. 5. Council to determine if any of the infrastructure in the ISDP is required to be provided by the developer and is not local infrastructure. Electrical and water assets are noted as listed. 6. Council to review position on open space and drainage being dedicated to Council at zero cost. 7. The basic calculations are as follows: <ul style="list-style-type: none"> - Total infrastructure in the ISDP \$184,594,527. - This includes \$12,778,000 of infrastructure which is not part of Council's network (electricity and water). - This means the total cost of local infrastructure (assuming all the items in the ISDP are approved) is \$171,816,527. - This means contributions (Section 7.11 and Section 64 sewer and stormwater) are \$59,247 per lot. 8. Council will need to seek approval from DPIE to exceed the \$30,000 limit. 9. Indexation will need to be included as the delivery timeframe is 12 years. 	<p>provided in this referral response have been significantly investigated and refined as part of the VPA negotiations during 2024/25.</p>

Type	Comment Summary	Assessment Officer Response
Easements, reclassifications and land swaps	<ol style="list-style-type: none"> 1. The proposed Plumpton Road upgrade requires additional detail. 2. The current formed road is inside the adjoining Crown Land. This may require Council to acquire a portion of that site from Crown Land to remedy the situation. 	<ol style="list-style-type: none"> 1. This matter is being addressed by Council separately as part of the delivery of the AIF Grant Funding for Plumpton Road and the Voluntary Planning Agreement Process.
Economic impact	<ol style="list-style-type: none"> 1. The proposal will stimulate activity across the construction sector and have economic benefit from spillovers into other sectors. 2. The proposal will support housing supply stock in the future, reducing pressure on the current rental stock shortfall, and provide more choice for resident purchasers entering or stepping up in the market. 3. The proposal will also assist with housing key and essential workers migrating into the LGA in the future. 	Noted.
Flood and Stormwater	<p>I have reviewed Appendix L of the ISDP for Zone 1 of the SGA against the Direction 4.1 – Flooding set out by the Minister under section 9.1 of the EP&A Act and advise that there is a section of the rezoning proposal within the Rowan Village area that does not strictly comply with all the requirements of the direction.</p> <p>My assessment against Direction 4.1 is attached (pdf titled “WWCC Director City Engineering assessment of SGA Zone 1 flooding against Ministerial Direction 4-1” as well as a marked up SGA Zone 1 Structure Plan (pdf titled “SGA Zone 1 Flooding Non-Compliance with Ministerial Direction”) showing the location of the non-compliances in the Rowan Village area.</p> <p>The Ministerial Directions that are not strictly complied with are:</p>	<p>It is considered that relevant engineering controls can be dealt with through DCP controls that apply to the SGA residentially zoned land.</p> <p>Additional discussion regarding flooding is located in Section 8.7.</p>

Type	Comment Summary	Assessment Officer Response
	<ul style="list-style-type: none"> • item 2 because the planning proposal is proposing to rezone some Rural zone to Residential Zone that is within the Flood Planning area – this area is highlighted in blue in the attached pdf titled “SGA Zone 1 Flooding Non-Compliance with Ministerial Direction” • item 3(d) because the planning proposal will increase the dwelling density within the identified Flood Planning Area, and • item 4(c) because the planning proposal will permit a significant increase in the dwelling density of land that is affected by flows between the flood planning area and the probable maximum flood. <p>Whilst this area is a strict non-compliance with the Ministerial Direction, the categorisation of the area is ‘Flood Fringe’, the hazard rating is ‘H1-No constraints’ and the depth of flows are less than 0.15m as shown in Figures 1.14B, 1.17B and 1.19B respectively of Councils Major Overland Flow Floodplain Risk Management Study and Plan for a 1% AEP event. Data on events greater than a 1% AEP event are not available.</p> <p>I consider the categorisation, hazard rating and depth of flows in this area of non-compliance with the Ministerial Direction to be of minor significance because the structure plan has 4 roads that can act as flow paths for major events (in accordance with industry recognised urban stormwater design practice) that reasonable Engineering controls will be able to be designed and constructed as part of the subdivision development approval process, including provision of new pipework under Holbrook Road, all to be conditioned, designed, constructed and 100% funded by the proponents.</p>	

Type	Comment Summary	Assessment Officer Response
	<p>My only request is that this be made aware to the proponents and be included in the DCP for the SGA Zone 1 precinct.</p>	
<p>Land contamination</p>	<p>Rowan</p> <ul style="list-style-type: none"> - The PSI was not prepared in accordance with POL 030 (no accreditation stamp). - The PSI recommends the completion of a Detailed Site Investigation (DSI), but no DSI has been prepared. - The conclusion of the PSI does not give certainty that the land is suitable for the proposed rezoning when a DSI is recommended. <p>2. The completion of a DSI cannot be left to the development phase.</p> <p>Sunnyside</p> <p>I have reviewed the Preliminary Environmental Assessment Report, comments below.</p> <p>The report that was provided is a hybrid document that includes desktop analysis and some sampling. This is inconsistent with prescribed requirement for a Preliminary Site Investigation (PSI), therefore analysis of certain elements will be inconsistent throughout the document. Please note the report only applies to the Sunnyside portion of the proposed rezoning and does not assess the rezoned area as a whole.</p> <p>The report included inconsistent data of the soil sample depth, the summary provided advised up to 1pm, however within the report it advised 0.2m. In accordance with NEPC to apply with the Health Investigation Levels (HILs) a depth of 3m below surface level should be conducted for soil samples and a depth of 2m for Ecological Investigation Levels (EILs). The 0.2m depth is well below the 2-3m depth requirement,</p>	<p>Noted and included as relevant as part of the recommendations for additional technical work during the gateway determination process.</p>

Type	Comment Summary	Assessment Officer Response
	<p>therefore does not provide an accurate analysis of the soil sample and could potentially have missed contaminants at a deeper depth. It also appears that Health Investigation levels were not assessed under recreational category, only Ecological Investigation Levels. Given part of the survey site is proposed recreational, this should have been considered.</p> <p>The report provided a recommendation that may be problematic in terms of timing for rezoning.</p> <p><i>'Following rezoning, and prior to development, the below identified areas of environmental concern will require further investigation, in the form of a detailed site investigation (DSI). It should be noted that these issues need only be addressed where development will be occurring. It is understood that the existing main residence is not part of the current subdivision (possible future Stage 9) and can be addressed if and when development occurs.'</i></p> <ul style="list-style-type: none"> • <i>The area at, and immediately surrounding the storage sheds south of the main residence;</i> • <i>The abandoned homestead; and</i> • <i>The tipping site and stockpiles adjacent to the dam.</i> <p>Current zoning plan show the entirety of the site will be developed either through residential or recreational zoning, therefore it would be recommended a DSI is to be completed before rezoning, to ensure the correct zoning of the potential contaminated land and minimising the risk of finding potential contaminants after rezoning has taken place.</p> <p>A recommendation advised <i>'Due to the presence of coliforms encountered in the soil samples, it is recommended that</i></p>	

Type	Comment Summary	Assessment Officer Response
	<p><i>during the subdivision earthworks that any impacted soils be disposed of or treated. ‘</i></p> <p>The report does not provide details on how the soil is required to be treated or the disposal requirements.</p>	
<p>Parks and recreation</p>	<ol style="list-style-type: none"> 1. Will the proposed open spaces be made up of open space for recreation or unmaintained open bushland or stormwater infrastructure. This should be specified to better understand the total amount of functional open space proposed. 2. Active transport connectivity is supported. 3. Recommends shared paths and road footpaths are built at the same time as the corresponding road. This is not specified in the IPDS. 4. Shared path budget for Zone 1 (\$1.6M) may not be adequate as it will need to include a shared path, drainage and bridges over 4km. 5. Open space development should be completed at the same time as the first houses are completed. 6. No mention of street trees – these should be prioritised early in the development and not left to Council following hand over. 7. Road pavement on collector roads is recommended to be reinforced to ensure that construction vehicles do not damage roads. 8. Utilities are to be provided to all public open spaces. This includes: <ul style="list-style-type: none"> - Water and power services in all parks, 	<ol style="list-style-type: none"> 1. The indicative structure plan and concept plans provide for a variety of active and passive open spaces. This is further detailed in the ISDP. 2. Noted. 3. Noted 4. This matter will be addressed by Council separately as part of the Development Contributions and Voluntary Planning Agreement Processes. 5. Noted, this has been discussed at length in response to the ROSC requirements. 6. This is largely managed by Council’s existing subdivision and engineering guidelines. 7. This matter can be addressed at the Development Application stage for the subdivision (s) of land (s). 8. This matter will be addressed by Council separately as part of the Development Contributions and Voluntary Planning Agreement Processes and will be further addressed at the Development Application stage for the subdivision (s) of land (s). It is noted the proposed costing has included provision of this infrastructure being provided.

Type	Comment Summary	Assessment Officer Response
	<ul style="list-style-type: none"> - Irrigation in all formal parks, and - Sewerage infrastructure to sportsgrounds and major suburban parks. 	
Statutory planning / Development assessment	<ol style="list-style-type: none"> 1. The preparation of the DCP is premature based on various matters that have not been satisfactorily resolved. 2. The provided DCP is not consistent with the current DCP. It is inappropriate for the document to stand alone with the intention of being an appendix to the current DCP. 3. The proposal relies heavily on a Works in Kind (WIK) for the delivery of key infrastructure to support the development. 4. Rezoning land without a WIK agreement would be premature. The risk of partially completed infrastructure projects that will be left to Council to finalise is not addressed. While the report provides certainty, there is no information on how the risk will be eliminated. 5. The urgency to lodge a concept DA is concerning noting the number of further studies required. 	<ol style="list-style-type: none"> 1. Noted – agreed. 2. Noted. 3. This matter will be addressed by Council separately as part of the Development Contributions and Voluntary Planning Agreement Processes. 4. This is dealt with via the VPA process. No WIK is proposed. The VPA will be tied to the land and various stages of development. 5. Noted.
Traffic and transport	<ol style="list-style-type: none"> 1. Cul-de-sacs are to be discouraged where possible. 2. Need for trip origin destination modelling to confirm trip distribution from the development to Plumpton and Holbrook Roads to ensure that the necessary traffic and transport infrastructure upgrades to service the development have been captured. 3. Plumpton Road corridor: 	<ol style="list-style-type: none"> 1. Noted. This matter can be addressed through the development of the draft DCP. 2. This matter is being dealt with via the VPA process, contributions plan and relevant negotiations. 3. Refer to above. 4. Refer to above.

Type	Comment Summary	Assessment Officer Response
	<ul style="list-style-type: none"> - No assessment available detailing the suitability of the corridor to accommodate the proposed infrastructure works or the impacts of the works on the current function and value of the corridor. - No assessment available of the extended impacts and infrastructure works for Plumpton Road north of Red Hill Road and continuation to Lake Albert Road. <p>4. No assessment available of the extended impacts and infrastructure works for Holbrook Road and the continuation to Bourke Street and Glenfield Road north of Red Hill Road.</p>	

9.2. External

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

Table 37 – External Consultation

External Comments Received	External Comments Summary	Assessment Officer Response
APA Gas	No response.	N/A
Department of Climate Change, Energy, the Environment and Water (Biodiversity, Conservation and Science Group)	1. The proposal needs to justify how it meets the current Section 9.1 Ministerial Direction 4.1 Flooding. The detention basin volumes and channel size have been under-calculated. It is not sufficient to state the proposal generally aligns with the Manual and floodplain risk management study and plan. Most of the responses in Table 1 of the Stormwater Management Strategy Review are misaligned	<p>1. Noted, refer to Council assessment regarding flood impacts.</p> <p>2. Refer above</p> <p>3. Refer above</p> <p>4 – 17 Refer to Biodiversity assessment in Section 8.8.</p>

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>against the Conditions, and more detailed justification is needed to explain how the planning proposal addresses each condition.</p> <p>2. The supporting stormwater strategy reports are based on average lot sizes that are larger than those being proposed. That makes the impervious area percentages low than that currently proposed. The result is under-calculation of detention and retarding basin volumes and channel size. BCS recommends relevant stormwater strategy reports be updated to reflect this increased impervious area percentage across the subject land.</p> <p>3. The Floodplain Development Manual (2005) has been superseded by the Flood Risk Management Manual (2023) and various relevant citations must be updated accordingly.</p> <p>4. Council must assess biodiversity impacts including all anticipated development and ancillary works such as traffic and stormwater disposal. Biodiversity impacts should be assessed at the SGA precinct scale. BCS has provided examples of where this is not achieved.</p> <ul style="list-style-type: none"> - The three discrete biodiversity assessments are recommended to be consolidated. - Strategic merit can only be determined if Council identifies the biodiversity values of the whole SGA. BCS recommends stage one of the BAM be applied across the whole SGA in the first instance. The outcome of that assessment will 	

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>demonstrate what biodiversity values should be avoided.</p> <p>5. The BDAR should determine the impact of the same ancillary work such as widening Rowan Road and stormwater runoff to Lake Albert.</p> <p>6. BCS recommends Council rely on the information in the three draft BDARS as the basis for biodiversity assessment across the whole SGA. To fill in the gaps, Council should engage an accredited assessor to apply stage one of the BAM to the remainder of the SGA. Council can then understand the impact of the overall development, by having an accredited assessor apply stage two of the BAM. Council must ensure any planning proposal informs the development footprint assessed in stage two.</p> <p>7. There are other proposals in or near the SGA that should also be considered when applying the 'avoid' hierarchy and determining impacts at stage two of the BAM. Examples include PP-2021-6528, SSD-8825, SSI-9172452 and any expansion of the Gregadoo Waste Management Facility. This is not an exhaustive list, and BCS anticipates there are other matters in or near the SGA that Council should consider.</p> <p>8. BCS recommends Council does not finalise any planning proposal in the SGA until the hierarchy to avoid biodiversity values has been established and applied across the whole precinct.</p>	

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>9. There is potential for the SGA to be biodiversity certified and BCS would assist in facilitating the process.</p> <p>10. BCS notes the threatened communities and species present in the SGA. Retaining those patches may offset the loss of habitat in developed areas. If Council can design the SGA to retain enough habitat, development could involve no net loss of biodiversity. In that scenario, there will be no obligation for future development in the SGA to retire Biodiversity Offset Scheme credit. The biodiversity constraint can be overcome in one step across the whole SGA. BCS can assist Council to develop and implement the reports and instruments necessary for biodiversity certification of the SGA.</p> <p>11. BCS' recommendation is consistent with the LEP Guideline, specifically Attachments B and C.</p> <p>12. BCS reiterates the requirements of a biodiversity assessment that should accompany the proposal (consistent with the LEP Guideline).</p> <p>13. Any biodiversity assessment must consider all potential clearing, including the potential impacts from ancillary developments, such as new or upgraded roads, service connections and asset protection requirements.</p> <p>14. BCS expects a concept layout at the planning proposal stage to be responsive to the assessed biodiversity values, either avoiding entry into the BOS, or addressing the requirements.</p>	

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>15. Despite land being zoned RU, when a development is permitted with consent none of the provisions of the <i>Local Land Services Act 2013</i>, or Chapter 2 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, permit clearing associated with that development and any work ancillary to it.</p> <p>16. BCS undertook a desktop review of biodiversity assessments in, or contiguous with, the SGA. BCS' interpretation is the various biodiversity assessments undertaken in, and close to, the SGA highlight gaps where information is lacking. They demonstrate where important patches of habitat and populations are likely to exist and should not be developed. They show what future work is needed to resolve biodiversity as a constraint across the precinct.</p> <p>17. BCS advise Council's in-house GIS systems are well-qualified to access, store and apply the relevant data sets to support the work recommended by BCS on 12 February 2024 (original referral).</p>	
<p>NSW Department of Education / School Infrastructure NSW</p>	<ul style="list-style-type: none"> • The DoE has reviewed the available information and identified that while the scale of demand from the proposal can be accommodated at the existing schools, the cumulative projected growth within the wider study area will require the provision of an additional school infrastructure. • DoE request to be formally referred the PP during the gateway process so they could undertake further analysis and undertake detailed 'block and 	<ul style="list-style-type: none"> • Ongoing discussions with the Department of Education has indicated that the land allocation of 3 hectares is sufficient area for consideration of a primary school. • Further detailed analysis is required by the Department to determine whether a high school is required, the future land should this be required has been identified as '<i>Investigation Area for Educational Facilities – subject to further review</i>'.

External Comments Received	External Comments Summary	Assessment Officer Response
	stacks' to ensure sufficient land had been set aside.	<ul style="list-style-type: none"> Council staff expect that further engagement with the Department will occur as part of the Gateway Determination process.
Department of Family & Community Services	No response.	N/A
Department of Primary Industries (Agriculture)	<ol style="list-style-type: none"> The proposal is inconsistent with the current Wagga Wagga strategic plan as there is no overall structure or strategic plan for the Southern Growth Area. The current strategic plan specifically references the Wagga Wagga Northern Growth Area with no reference to a Southern Growth Area or these sites. The strategic planning framework should be adjusted to reflect the proposed amendment to give investors certainty around Government intent for the land and to correctly signal to agricultural investors to seek alternative options. In light of consistency with the current framework, the proposal should revisit assessment against the current Section 9.1 Ministerial Directions 9.1 Rural Zones and 9.2 Rural Lands. These may be justifiably inconsistency when the amendments to the strategic planning framework above are completed. The site has historically been viable for agricultural production having a Class 4 land and soil capability, and a history of agricultural use. No agricultural assessment has been undertaken to support the proposal and to identify whether 	<ol style="list-style-type: none"> Noted, this has been addressed throughout this report. Noted. Prepare an Agricultural Lands Assessment that identifies whether urban development within SGA Zone 1 would affect the agricultural production and/or supply chain threshold of the LGA.

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>further urban development would affect the agricultural production or supply chain threshold within the Wagga Wagga LGA.</p> <ol style="list-style-type: none"> 6. A Land Use Conflict Risk Assessment should be undertaken as part of the planning proposal to ensure any conflicts between residential uses and existing agricultural activities in the vicinity can be limited or avoided. 7. The report has inconsistent numbering of chapters and figures. 8. The report has a lack of legends with figures and lack of consistency between figures (e.g. Figures 8,9, 14). 9. The report has no glossary or references. In particular, the zoning map provided in chapter 7.4 does not reflect figures and text about rezoning in chapter 5 with regard to open space and ancillary land uses. 	
Department of Regional NSW (Regional Growth NSW Development Corporation)	<ol style="list-style-type: none"> 1. General support for proposals that will deliver additional housing to support investors and businesses in attracting skilled employees to Wagga requiring suitable accommodation. 	Noted.
Environmental Protection Agency (EPA)	<ol style="list-style-type: none"> 1. EPA has no regulatory role for this proposal and no further consultation with EPA is required. 	Noted.
Essential Energy	<ol style="list-style-type: none"> 1. Essential Energy has expedited the southern area of Wagga in their strategic reviews. 	Noted.
Infrastructure NSW	No response.	N/A

External Comments Received	External Comments Summary	Assessment Officer Response
National Broadband Network (NBN)	No response.	N/A
Natural Resources Regulator	No response.	N/A
NSW Ambulance	No response.	N/A
NSW Department of Planning, Housing and Infrastructure (DPHI)	<ol style="list-style-type: none"> 1. DPHI will wait to review the package until Council has been able to consider the strategic merit assessment being undertaken and include its position and assessment of the proposal. 2. DPHI advised (on 18 Oct 2024) that it felt sufficient information has been provided in relation to biodiversity for Council to proceed to request a Gateway Determination. 	Noted.
NSW Fire and Rescue	No response.	N/A
NSW Police Force	No response.	N/A
NSW Rural Fire Service (RFS)	<ol style="list-style-type: none"> 1. No objections to the proposed amendments, subject to a requirement that the future subdivision and/or development of the land complies with Planning for Bushfire Protection 2019. 2. In relation to the Indicative Layout Plan, where staged development is to occur, Council should consider the appropriate mechanisms to ensure that undeveloped areas do not constitute a hazard to areas being developed. 	<ol style="list-style-type: none"> 1. Future subdivision and/or development of the land will require to comply with Planning for Bushfire Protection 2019 to be demonstrated at the Development Application stage for the subdivision (s) of land (s). 2. This can be included as conditions for Gateway determination and can be addressed at Development Application for the subdivision (s) of land (s). 3. Noted. This will be considered post Gateway determination.

External Comments Received	External Comments Summary	Assessment Officer Response
	<ol style="list-style-type: none"> 3. In relation to the Indicative Layout Plan, Council may wish to consider updating the Bush Fire Prone Land Mapping as development occurs, to reflect the extent of managed land. 4. In relation to the Indicative Layout Plan, where public open space may be reliably considered to be managed land, a formal plan of management that addresses fuel management should be considered. 5. In relation to the Indicative Layout Plan, where natural features, such as riparian areas, are to be enhance/rehabilitated consideration should be given to any potential impacts on bush fire protection measures for existing and proposed development. 6. In relation to the Indicative Layout Plan, as the planning process progresses further consultation with appropriate local RFS District staff may be required to ensure appropriate levels of operational capacity are maintained. 	<ol style="list-style-type: none"> 4. Noted 5. Noted 6. Noted.
<p>NSW State Emergency Service (SES)</p>	<ol style="list-style-type: none"> 1. The consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Directions including 4.1 Flooding and is consistent with the NSW Flood Prone Land Policy, as set out in the Flood Risk Management Manual 2023 and support guidelines, including the Support for Emergency Management Planning. 2. SES notes the Planning Proposal is not located in a floodplain or within the Wagga Flood Planning Area. However, the land is part of a wider catchment and 	<p>Noted, refer to Council assessment regarding flood impacts.</p>

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>is subject to flows through the site. The Flood and Stormwater Assessment Report shows two stormwater flow paths and portions of both sites where development is proposed become flood affected from the 20% AEP event. A portion of the Rowan Village site in the southwest quadrant where residential development is proposed becomes isolated and flood affected from the 1% AEP flood event. Therefore, the proposal may increase the number of people exposed to the effects of flooding and the risk of secondary emergencies such as fires and medical emergencies.</p> <p>3. SES recommends obtaining a detailed Flood Impact and Risk Assessment which includes modelling for the full range of flood events including probable maximum flood (PMF) and information regarding the duration of isolation and flood function.</p>	
<p>Riverina Water</p>	<ol style="list-style-type: none"> 1. In principle, Riverina Water (RW) is conditionally supportive of the planning proposal. 2. RW requires early contact with WWCC, land developers and consultants regarding any future approvals or development of the subject land, to ensure the needs of the development are known as early as possible. 3. RW is not a referral agency on the NSW Planning Portal and therefore requires as condition of any gateway approval that WWCC provide the necessary referrals and access to documentation and 	<p>Noted – refer to assessment in Section 8.11.</p>

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>information to allow the required assessment and planning to commence at the appropriate time.</p> <ol style="list-style-type: none"> 4. RW confirms that capacity exists within the existing network to supply the yield for Year 1 of the proposed development (422 lots). This would be supplied from existing infrastructure on the corner of Plumpton Rd and Gregadoo Rd. A new water main would be required from this intersection along Plumpton Rd and Lloyd Rd to access the subject site. 5. The cost of providing any new infrastructure directly related to servicing the proposed development will be payable by the developer/s. 6. RW will typically cover the cost of existing infrastructure upgrades through Development Servicing Charges, levied under Section 64 of the <i>Local Government Act 1993</i> (as outlined in Riverina Water's Development Servicing Plan). 7. RW has engaged a third-party consultant to review and update RW's hydraulic model and incorporate additional information relating to the Southern Growth Area. This updated model will provide guidance on the infrastructure requirements to service the overall SGA development. The updated hydraulic model and information/outputs is due in June 2024; therefore, any future servicing capacity and infrastructure requirements beyond Year 1 are not yet know, including the cost for any works beyond Year 1. 	

External Comments Received	External Comments Summary	Assessment Officer Response
	<ol style="list-style-type: none"> 8. RW require a schedule/timeline for the proposed land development to enable appropriate planning to align the overall SGA water supply servicing strategy with development requirements. 9. RW require updated information around infill development associated with the SGA to better understand the increase in demand on existing infrastructure to be considered in conjunction with the new land development of the SGA. 	
Transgrid	<ol style="list-style-type: none"> 1. Roads crossing the easement should be at least 22m from the structures. 2. Vegetation should not be in the structure exclusion zone and should be limited to 4m in height in the rest of the easement. 3. Property will need to confirm if the easement should be modified to be more symmetrical with Transmission Line 994's centreline. 4. There appears to be a danger of erosion in the creek adjacent to structures 9R1-21 and 9R2-21, this may need to be considered as part of the design. 5. The development is to be designed so that during construction phase, Transgrid is not restricted from undertaking normal maintenance and inspection activities. At completion works, access to Transmission Lines and structures shall always be available for Transgrid plant and personnel. 6. Any slopes for where travel is required by Transgrid's heavy maintenance vehicles must not 	Noted – refer to assessment in Section 8.11.

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>have a grade steeper than a ratio of 1:6 (1:8 or less is preferred) – to be considered for proposed batter.</p> <p>7. If any future fencing is to be proposed within the easement corridor, fencing is to be installed in accordance with Transgrid Fencing Guidelines.</p> <p>8. If any fencing is to be proposed across the easement corridor or access track, a gate will be required to be installed to maintain continuous travel to the structure and along the easement.</p> <p>9. The development should abide by Transgrid Fencing Guidelines and Workcover’s Code of Practice 2006 – ‘Work Near Overhead Powerlines’.</p> <p>10. Dust management plan must be in place, so insulators do not become polluted.</p> <p>11. The subsoil stability and surface drainage are not to be adversely affected in the vicinity of a structure.</p> <p>12. Any water flow is to be directed away from the structure or where travel is required by Transgrid’s maintenance vehicles.</p> <p>13. Points 14 – 20 relate to transmission lines 9R1 and 942</p> <p>14. Transmission lines 9R1 and 942 runs from east to west in proposed development where subdivision blocks are within easement they are to be deemed as super blocks with Transgrid access into every block, access is to be suitable for mobile plant weighing up to 43-tonnes.</p>	

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>15. Lot's with structures must have suitable gates to allow access for Transgrid to have poles delivered to site. Poles are up to 18.5m in length.</p> <p>16. The proposed design had road running in proximity on the north side of Transmission lines 9R1 and 942, if clear front access to all properties is given there will be know requirement for gates along easement in neighbouring paddocks boundary fences.</p> <p>17. Transgrid prefer a minimum of 12-foot opening for access whether gates or cattle grids. If cattle grids are not suitable for mobile plat weighing up to 43-tonne gates will also be required to be installed.</p> <p>18. The subsoil stability and surface drainage are not to be adversely affected in the vicinity of a structure.</p> <p>19. Any water flow is to be directed away from the structure or where travel is required by Transgrid maintenance vehicles.</p> <p>20. If any services are to be proposed to be situated within the easement or where travel is required by Transgrid maintenance vehicles, it must be ensured that the trench backfill can safely withstand the 43-tonne load capacity of maintenance trucks without causing damage to any pipes/conduits and services.</p> <p>21. Points 22 – 25 relate to transmission line 994</p> <p>22. Transmission Line 994 runs south to north, proposed design had easement with no lots proposed, had three road undercrossing.</p>	

External Comments Received	External Comments Summary	Assessment Officer Response
	<p>23. Access along Transmission line 994 will be disrupted and will require new accesses along easement.</p> <p>24. All access to Transgrid easement should have industrial grade lay-over/Kerb crossing for access to easements turning off roadways.</p> <p>25. If any services are to be proposed to be situated within the easement or where travel is required by Transgrid maintenance vehicles, it must be ensured that the trench backfill can safely withstand the 43-tonne load capacity of maintenance trucks without causing damage to any pipes/conduits and services.</p> <p>26. Transgrid provided relevant easements plans and correspondence.</p>	
<p>Transport for NSW</p>	<ol style="list-style-type: none"> 1. Transport for NSW has had discussions with the applicant and consultant and agreed that detailed operations modelling of the classified road network intersections will be included as part of future submitted documentation (post Gateway). 2. The traffic consultant (Asongroup) is to review the assumptions used to generate Figure 21 of their report and necessary amendments are to be included as part of a future submitted documentation. 3. TfNSW does not wish to address the proposed Southern bypass (a heavy vehicle bypass under investigation directly south of the Sturt Highway for 	<p>Noted.</p>

External Comments Received	External Comments Summary	Assessment Officer Response
	increased freight movement within Wagga Wagga) as part of this response.	

9.3. 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.

10. Project Timeline

The following table identifies the benchmark timeframes in the *LEP Making Guideline (August 2023)* for a complex planning proposal. The Council decision milestone is an addition to the Guideline stages, recognising the process of reporting to Council to receive endorsement for Gateway Determination.

Table 38 – Indicative project timeline

Milestone	Date
<p>Planning Proposal</p> <p><i>Measured from lodgement of PP with Council via the Planning Portal to Council decision on whether the proposal should proceed and be referred to the Department for a Gateway Determination.</i></p>	120 working days
<p>Council decision</p> <p><i>Non-guidelines. Time for Council officers to report the proposal to Council for resolution.</i></p>	30 working days
<p>Gateway Determination</p> <p><i>Measured from referral of the PP to the Department for a Gateway Determination to the issuing of a Gateway Determination.</i></p>	45 working days
<p>Post-Gateway</p> <p><i>Measured from when the PPA receives the Gateway Determination from the Department to public exhibition of the PP. This stage includes time to satisfy any Gateway conditions, undertake technical studies (if required) and consult with authorities and government agencies (if required before public exhibition).</i></p>	70 working days
<p>Public Exhibition and Assessment</p> <p><i>Measured from exhibition to assessment and endorsement of the PP by Council (or PPA) on whether to proceed. Includes exhibition, consultation with authorities and government agencies (if required), and consideration and assessment of any submissions received.</i></p>	115 working days
<p>Finalisation</p> <p><i>Includes finalisation of the LEP, final GIS mapping, legal drafting and the LEP being made (if the proposal is supported).</i></p>	70 working days

11. Recommendation

This assessment report recommends and confirms that the draft Planning Proposal has **strategic merit and site-specific merit**. The high-level objectives and intended outcomes are supported.

Whilst it is recognised there are outstanding documentation requirements, this assessment report confirms that they **do not warrant refusal** and that these matters are appropriate to manage, update and complete during the Gateway Determination process.

This report recommends that Council **support** the proposal in-principle and direct staff to lodge the draft Planning Proposal with the Department of Planning, Housing and Infrastructure requesting Gateway Determination.

It is recommended that the draft Planning Proposal consider and address the following **outstanding matters** on receipt of the Gateway Determination and prior to exhibition of the proposal. These matters will be requested to be included as part of the conditions of the Gateway Determination issued by DPHI or pursued by Council in alignment with the Gateway Determination conditions.

1. Biodiversity

- 1.1. Update the draft BDAR's for Sunnyside and Rowan to clearly identify how the proposed development adopts the Avoid, Minimise and Offset regime.
- 1.2. Ensure the draft BDAR's are consistent with the advice issued by Biodiversity, Conservation and Science Group of the Department of Climate Change, Energy, the Environment and Water (DCCEE) and echoed by Wagga Wagga City Council.
- 1.3. The refusal of Sunnyside LEP21/0001 was centered around the fact that the Biodiversity Conservation Act & Regulation establishes that Council must assess biodiversity values and likely impacts (direct, indirect and prescribed) that include all anticipated development and ancillary works off site. This includes any road upgrades and other utilities or infrastructure that is required to facilitate any future development.

This also includes:

- Likely impacts to proposed retained vegetation and scattered paddock trees;
 - Likely impacts on connectivity on and beyond the site, and;
 - Cumulative impacts on the same Threatened Species or Endangered Ecological Communities from other projects such as the reduced minimum lot size of land on Gregadoo Road, the Gregadoo Solar farm, the Energy Connect East project and the Dunns Road upgrade.
- 1.4. The legislation also establishes the primacy of the 'avoidance hierarchy'. The draft BDAR's lack sufficient evidence for Council to establish that the avoidance hierarchy has been robustly applied and justified, particularly when there is an SAI entity impacted. Updated reports must address this matter.
 - 1.5. The SGA design should retain enough habitat, so that future development could involve minimal obligation for Biodiversity Offsets, which would represent a positive outcome for Council's Biodiversity objectives, and also for the Proponents time and costs in meeting this obligation.

This could be achieved through considering the addition of measures like:

- Avoiding all of the moderate condition PCT277 located to the west of the riparian corridor;
- Zoning the higher value environmental areas as C2 Environmental Conservation rather than RE1 Recreation;

- Incorporating appropriate buffer distances between zones to avoid future land use conflict that may result in removal or significant decline.
- Incorporating as much of the lower condition PCT277 into planned open space areas as possible;
- Incorporating as many of the scattered paddock trees into planned open space areas as possible;
- Creating an east-west corridor to allow threatened species movement.

- 1.6. Council acknowledges that some elements of impact assessment are commonly left until DA stage. However, Council is seeking to establish the key principles around the protection of native vegetation such as the PCT 277 and scattered trees to ensure their incorporation within the design and avoid delays at the development consent stage.
- 1.7. Council do not support the location of formal sporting facilities within the area identified for moderate value PCT277. The areas for protection need to incorporate an appropriate buffer distance from residential or commercial uses to ensure their ongoing viability and environmental value.

2. Strategic Bushfire Study

- 2.1. Submit an updated Strategic Bushfire Study (Rowan Village) that assesses the current structure plan layout.

3. Agricultural land values

- 3.1. An agricultural lands assessment and land use conflict risk assessment (LUCRA) must be prepared to consider the impact of the planning proposals objectives with respect to the agricultural production value of the rural land sought to be rezoned.
- 3.2. The report must consider the following:
 - 3.2.1. Correspondence from the Department of Primary Industries dated 12/2/2024 (provided under a separate comment).
 - 3.2.2. The potential detrimental impact to agricultural production and/or supply chain threshold of the LGA and/or undermine future opportunities for agribusiness and/or agritourism close to the Wagga Wagga urban area.
 - 3.2.3. The report is to be prepared with regard to any applicable Department of Primary Industries guideline. Liaison with DPI to confirm the correct or applicable guidelines is recommended.
 - 3.2.4. The report must have regard to all objectives, strategies or actions relating to agricultural land protection that is included in the Murray Riverina Regional Plan and Wagga Wagga Local Strategic Planning Statement
 - 3.2.5. Must give consideration and response to Direction 9.1 – Rural Zones and Direction 9.2 – Rural Lands under s9.1 of the EP&A Act.
 - 3.2.6. Any other matter Council or the Department of Primary Industries deems required through subsequent discussions relating to the preparation of this report.

4. Cultural Heritage

- 4.1. Undertake a second archaeological survey for the Rowan site on a day with good site and weather conditions to achieve ground surface visibility equal or greater than 50%. If additional sites of significance are found and are likely to be impacted, the proposal is to be redesigned, if required, to avoid impacts. The ACHA report is to be amended accordingly.
- 4.2. Overlay all identified archaeological sites and sites of cultural value of both sites on top of the concept plan to clearly demonstrate that the Planning Proposal avoids and protects

Aboriginal sites of significance. Update the ACHA, Urban Design and Structure Plan reports accordingly to clearly identify the sites that are protected using an avoidance and mitigate hierarchy.

- 4.3. Amend the ACHA report for the Sunnyside site to clearly identify the sites that will be protected and provide details for avoidance of impacts in relation to the culturally modified trees.
- 4.4. Retain mature trees within the site even if they are not culturally significant.
- 4.5. Ensure that all recommendations contained in the two ACHA reports and the CVA report are implemented throughout the various approvals and development stages for the Site.
- 4.6. Update draft ACHA reports to confirm that appropriate investigations were undertaken on Lot 1, DP870056 which is the subject of this draft Planning Proposal.
- 4.7. Update the draft ACHA report to include Lot 1 and Lot 2, DP1171894 and confirm these areas were investigated as part of the report.

5. Contamination

- 5.1. Both contamination reports must have regard to Council policy - POL 030 (Contaminated Land Management). Both reports are to be updated to ensure consideration and consistency with Council policy (including certification requirements).
- 5.2. The Preliminary Environmental Assessment Report requires the following amendments:
 - 5.2.1. The submitted report is a hybrid document that includes a desktop analysis and limited sampling. This is inconsistent with the prescribed requirements for a Preliminary Site Investigation therefore creating inconsistencies with the documentation.
 - 5.2.2. The report contains inconsistent data of soil sample depth, update in accordance with the NEPC
 - 5.2.3. Additional assessment is required for the recreational category to include consideration of the Health Investigation Levels not just Ecological Investigation Levels.
- 5.3. Submit a Detailed Site Investigation for the entirety of Zone 1 which is prepared in accordance with the relevant guidelines and legislation. The Detailed Site Investigation must take into consideration of the recommendations of both the Preliminary Environmental Assessment Report (Sunnyside) and Preliminary Site Investigation (Rowan Village). The proposed zoning plan shows the entirety of the site will be developed either through residential or recreational zoning, therefore it is requested that a DSI is completed before rezoning, to ensure the correct zoning of the potential contaminated land and minimising the risk of finding potential contaminates after rezoning has taken place.

6. Roads & Traffic

- 6.1. Require provision of trip origin destination model to ensure that the future provision of infrastructure can adequately address the impacts of development on Plumpton Road and Holbrook Road.

7. Recreation & Open Space

- 7.1. That Council require the proponent to update the draft Planning Proposal to demonstrate consistency with the Wagga Wagga Recreation, Open Space and Community (ROSC) Strategy.

8. Updates to Planning Proposal

- 8.1. The introduction of an additional permitted use is not recommended or supported.
- 8.2. That prior to any exhibition, the draft Planning Proposal is updated to remove reference to provisions regarding the additional permitted use (APU) as a result of the recommendation of this report.

12. Draft resolution

That Council

- (a) endorse Planning Proposal LEP24/0003, subject to the contents of this report.
- (b) write to the Department of Planning, Housing and Infrastructure (DPHI) requesting a gateway determination under s3.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).
- (c) request that the Department of Planning, Housing and Infrastructure include a condition in the Gateway Determination requiring the following matters be resolved prior to exhibition of the draft Planning Proposal as outlined in the recommendation made in Section 11 of the Planning Proposal Assessment Report.
- (d) on receipt of a Gateway Determination under section 3.34 of the *Environmental Planning & Assessment Act 1979*, Council enact all the requirements of the Gateway Determination and requirements of Schedule 1, clause 4 of the *Environmental Planning & Assessment Act 1979*
- (e) delegate authority to the General Manager or his delegate of all functions under section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the local environmental plan and put into effect Planning Proposal.
- (f) delegate authority to the General Manager or his delegate to make any variations to the planning proposal, to correct any drafting errors or anomalies to ensure consistency with the Gateway Determination or to address any other matter that may arise during the amendment process.
- (g) that staff prepare a report on the outcome of the public exhibition of the Planning Proposal be presented to Council at a future date.
- (h) require the proponent to update the draft Planning Proposal to demonstrate consistency with the *Wagga Wagga Recreation, Open Space and Community (ROSC) Strategy*.
- (i) support in principle the development of a contributions plan that addresses the infrastructure required for the Southern Growth Area Zone 1 and that Council staff subsequently report this matter to Council with the intent that the planning proposal and draft contribution plan are placed on public exhibition at the same time.
- (j) to seek approval from DPHI to identify Zone 1 of the SGA as an Urban Release Area with an infrastructure contribution cap of \$30,000.

13. Attachments

The following documents are attached to this report:

- Attachment 1 – Landowners Details (Confidential)
- Attachment 2 – External Referral Responses (redacted)
- Attachment 3 – Addendum
- Attachment 4 – draft Planning Proposal
- Attachment 5 – Technical Reports