



# LEP20/0010

## Planning Proposal Assessment

### APPLICATION DETAILS

#### Submitted planning proposal:

Council is in receipt of a planning proposal (LEP20/0010) to increase the height of building control of a site within the Wagga Wagga CBD, located on Johnston Street.

#### Applicant

Wollundry Investments Pty Ltd.

#### Land owners

Wollundry Investments Pty Ltd:

Director: Rodney Kendall

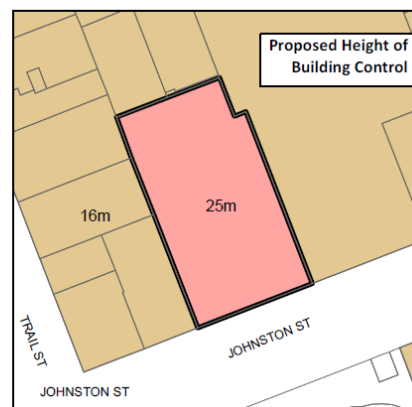
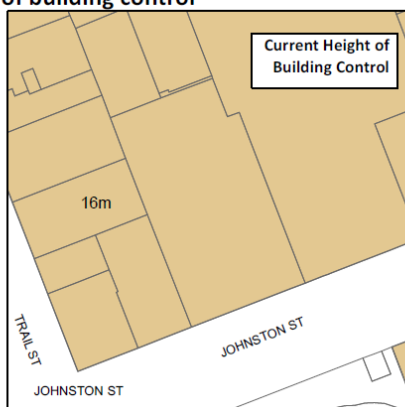
Director: Robert Davies

### Proposal

Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP2010) to increase the height of building control applicable to (Lot 6012 DP 1209232), located on the corner of Avocet Drive and Rainbow Drive, Estella.

The proposal seeks to increase the Height of Buildings control applying to Lot 1 DP 1028542 from the current 16 metres to 25 metres.

LEP20/0010 - Proposed increase to height of building control



No further changes to the Wagga Wagga LEP are sought by the planning proposal. On account of this, the planning proposal is not considered as a fundamental departure from the pre-existing planning direction by this assessment. This assessment reviews the suggested Height of Building control within the context provided by the overarching strategic

direction of the city and other continuing provisions, including the current B3 Commercial Core zoning.

The submitted planning proposal document with its supporting information is attached.

## **Key considerations**

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### **1. The Local Strategic Planning Statement and the future of Wagga Wagga CBD**

Central Wagga Wagga, including the Wagga Wagga CBD, is integral to the future development and growth of the city. The Wagga Wagga Local Strategic Planning Statement (LSPS) emphasises the importance of the Wagga Wagga CBD for the city and region. The Wagga Wagga CBD is one of six key sites to anchor the future economic activity and growth of the city which shall be protected from land use conflict and cultivated to achieve the greatest utility for the city and surrounding region. The Wagga Wagga CBD will continue to play a key role in the lives of people living throughout the city and Riverina, providing a spine of activity, services and employment.

The Local Strategic Planning Statement supports numerous directions which act to strengthen the Wagga Wagga CBD as a place for economic, social and cultural life within the city. These include key components of Principle 9 of the LSPS: urban design and activation.

With respect to urban design, Principle 9 states that this will be a focus within the core of the city, and this will be articulated within the upcoming Wagga Wagga CBD Master Plan. The Wagga Wagga CBD is noted by the LSPS as being a key location for experienced by both residents and visitors to Wagga Wagga. It states that it is important for new development to support activation and new experiences.

Planning Proposal LEP20/0010 supports this intent in two ways. The increase in space provided by the height of building control increase the vertical building envelope available to exploit on the site, effectively incentivising development or redevelopment to take place at all. Further the additional floor space which would be able to be developed within the Wagga Wagga CBD as a result of the planning proposal will incrementally add to and support a critical mass of activity taking place within the city and supporting its economic, social and cultural life.

This goes to the other noted component of Principle 9 of the LSPS, being activation. The Local Strategic Planning Statement calls for an increased presence of people within the Wagga Wagga CBD, creating an urban environment that encourages interaction and experiences. This is linked to the volume of activities taking place within the CBD as noted above. With a greater volume and variety of activities accommodated within the CBD, a greater retention of people at any given time within the CBD area can occur and produce the desired activation effect.

The LSPS specifically notes the opportunity to pursue this outcome via planning controls that enable “ambitious and innovative building design of greater height and scale”. The increase in permissible building height allowed by the planning proposal will create an opportunity for additional floor space to be developed. The greater volume of developable floor space resulting within the CBD, available for a variety of

uses as permitted by the B3 Commercial Core zone, will offer marginally increased support for the activation pursued by the LSPS.

The consideration of LEP20/0010 against Principle 9 of the LSPS indicates a strong alignment between the planning proposal and the strategic direction for the city.

## **2. Interaction between height of building and floor space ratio provisions.**

The current 15 metre height limit has allowed for the development of a four storey building. Accounting for the various rooftop infrastructure, this implies that a building of six standard height storeys, or two additional storeys to the existing four storeys, could be constructed on the site.

The site currently has a floor space ratio provision applying within the LEP. The ratio is 2:1, meaning that floorspace equivalent to double the site area can be developed within a structure. The total site area of the subject land is 2965 square metres. The floor space ratio is not proposed to be amended by this planning proposal. This means a total developable floorspace potential of 5930 square metres.

A future development comprising the six standard storeys allowable under the new height limit would be permitted an average floorspace per storey of slightly less than 990 square metres per floor. The implications of the height limits and floor space ratio for potential future development on the site are detailed below.

The existing building on the subject site has a footprint of 1130 square metres. The floorspace contained within each respective storey is less than this, with an approximately one metre awning circumnavigating each floor within the 1130 square metre footprint. The resulting actual usable floorspace per floor likely approximates the 990 square metres noted above. Replicating this floorspace volume for an additional two storeys would place the total development near to or at the limit provided by the Floor Space Ratio control. On this basis the height limit change would appear commensurate with other existing LEP provisions, allowing the existing floorspace ratio to be exploited solely within the confines of the existing building footprint.

If in future the site is completely re-developed, then the interaction of the 25 metre height limit and the floor space ratio will inform the built form of development to occur. A future development with all floors of equal floor space will be of a similar size and form to the augmented current development described above. Alternatively, floorspace may be differently arranged, with wider floors at the base of the structure providing a podium upon which a slimmer structure of upper floors sits.

Excepting the increase in vertical size, by retaining floor space ratio controls as they exist, the planning proposal is unlikely to promote a building form which is bulkier within the streetscape. This has favourable implications for impacts to the immediate surrounds, in particular for shadow casting and duration. Exploiting the new LEP controls for an entirely redeveloped site, were this to occur in future, would likely result in improved design outcomes overall compared to the more limited augmentation foreshadowed by the planning proposal. This demonstrates the broad suitability of the amended height controls. These considerations reveal that a height of building limit of 25 metres is well-calibrated to the intent of other LEP controls

existing on the site.

### **3. Built form and streetscape presence**

Investigation of the interoperability of these LEP provisions reveals that the planning proposal will enable a taller, but not substantially bulkier building form to be located on the site. In view of this, this assessment forms a position on the suitability of the planning proposal in relation to the prevailing urban character.

The planning proposal affects an inner urban commercial site within the CBD of Wagga Wagga. The site occupies a relatively prominent location within the immediate neighbourhood, occupying a slightly elevated vantage point north of the Wollundry Lagoon and within the Wagga Wagga Heritage Conservation Area. The proximity of Wollundry Lagoon, the lack of significant topography as well as an adjoining car park absent significant development mean that sightlines to and from the subject land are relatively open.

The directly adjoining developed lots to the west of the subject land are smaller and feature smaller-scaled development. It is apparent that the current development on the subject land is of a contrasting scale and future development allowed by the planning proposal would also contrast. Shadowing impact is already apparent to these neighbouring sites, in particular to the southwest of the existing Wollundry Chambers building (67 and 69 Johnston Street). Shadow casting to these locations would extend further as a result of additional building height. Shadowing duration, which is dependent upon building width, would be unchanged by a vertical extension to the current building and could be substantially improved by new development were this to occur under the amended controls.

These potential impacts are deemed acceptable by this assessment. The area is zoned for commercial activities and these are indeed the activities carried on within the neighbouring sites southwest of the subject site structure on Johnston Street. The shadowing that these buildings receive already casts across the rooftops of these buildings. That is to say, increased building height will not result in a new denial of solar access to windows where this was not previously the case. The difference between the current 4 and prospective 6 storeys is that shadows will cast further across adjoining rooftops.

Considered within the context of locations further afield, a building of 25 metres height will be visible from various locations. Some examples of this are provided in support of the planning proposal by the proponent. Of these, the locations from which a 25 metre building height will be most apparent are on Johnston Street and Trail Street. Viewed from the opposing side of the Wollundry Lagoon, a potential building mass would be largely (from some locations entirely) obscured by tree canopy associated with the Lagoon. Viewed from north of the Lagoon, a 25 metre high building mass will be more apparent and imposing than present. Despite this, consideration of the various viewpoints provided reveals that the imposition upon the streetscape and cityscape will not likely be overwhelming relative to existing development levels.

Viewed from the east on Johnston Street, additional height added to the existing building would be almost entirely obscured from the intersection of Johnston and Fitzmaurice Streets by the office building located nearer the intersection. Additional

height would become more apparent viewed from slightly closer to the site, however this is not out of context when considered in combination with that existing multistorey office development.

Additional building height will be more readily apparent viewed from the west, as this is the approach to the commercial area from the shorter-built residential areas of Central Wagga Wagga. This includes east facing viewpoints from Trail Street and Johnston Street modelled within the appendices to the planning proposal. As can be seen, whilst taller development will be visible from these viewpoints, a higher building will be setback or recessed eastward into the subject city block from these western approaches and this scale of development would not substantially impose over the nearest streetscapes west of the subject land. The effect of this is not dissimilar to a 'podium' form of building design as widely used in contemporary developments to minimise the imposition of structures onto the adjoining streetscape.

It is noted by this assessment that the planning proposal would facilitate the future redevelopment of the site, with buildings potentially located further forward toward the front setback. In this instance the Wagga Wagga DCP and SEPP 65 Design Quality of Residential Apartment Development (in the case of residential development) provide direction which will ensure that new development is appropriately designed and articulated in relation to the surrounding streetscape.

#### **4. Heritage-specific considerations**

There are key heritage features for the city in proximity to the subject land. The potential impact of future development up to a 25 metre height is explored here. Heritage considerations for the location include the Wagga Wagga Heritage Conservation Area that the site sits within, the Heritage Item comprising palm trees to the opposing side of Johnston Street and the Aboriginal Place status of Wollundry Lagoon.

Whilst located in close proximity to the Wollundry Lagoon, the subject land itself is heavily engineered and developed. The planning proposal provides an adjustment to the type of future development on this previously developed land area, located to the opposing side of Johnston Street. Additional development to the site will not detract from or intrude upon the significance of the Wollundry Lagoon as an Aboriginal place as a matter of course. This issue will receive the benefit of consideration during any future development application process.

Fitzmaurice Street is a key heritage streetscape, featuring several vernacular buildings and sites of public importance. As discussed earlier, there exists one direct sightline to the subject land from Fitzmaurice Street, located at the junction of Fitzmaurice Street and Johnston Street. Elsewhere along Fitzmaurice Street, the site and a prospective 25 metre high building are obscured by two and three storey development to the Fitzmaurice Street frontage. Viewed from the Fitzmaurice Street bridge spanning across Wollundry Lagoon, the site and existing development are heavily, though not entirely, obscured by canopy foliage associated with the Wollundry Lagoon parklands. A portion of this canopy foliage is comprised by a heritage item consisting of the palm trees to the southern side of Johnston Street in the lagoon parkland.



## **5. Potential future residential land use in the Wagga Wagga CBD**

LSPS focusses upon greater levels of development in the CBD and Central Wagga Wagga. A particular focus is likely to be increase to the numbers of resident and visitor occupants of residences and other lodgings within the CBD and Central Wagga Wagga area.

This may allow for additional land uses to be pursued on the land than are presently allowable. This could occur within the medium term future and alter the development of the site. In particular, it is conceivable that permissibility for residential flat buildings to be developed within the B3 Commercial Core zone will exist.

It is also the case that permissibility for shop top housing already exists within the B3 Commercial Core zone. It is conceivable that this land use will be further encouraged by the outcomes of Wagga Wagga CBD master planning. Further, the planning proposal foreshadows the use of the site for serviced apartments. Whilst this is a form of temporary accommodation, the same guiding principles remain useful to ensure soundly-performing developments just as with the design and development of permanent residential accommodation in higher density settings.

The motivation for both outcomes would be to place greater numbers of people within the CBD during all hours, producing a greater level of social and economic activity in the area. In view of this, it is reasonable to consider how a residential flat development or shop top housing may perform under the provisions put forward by the planning proposal. Commentary is provided here about how potential future developments may perform relative to the Schedule 1 Design quality principles of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.

### Principle 1 – Context and neighbourhood character:

The planning proposal would allow for developments broadly in keeping with the existing neighbourhood context. Multilevel development exists within both the immediate surrounds and the broader Wagga Wagga CBD environs. The area is populated by various types of buildings which are compatible in style with further commercial development. The planning proposal retains sufficient flexibility that future residential development design can provide a responsive development outcome.

### Principle 2 – Built form and scale:

The amendment to the LEP provides opportunities to achieve an appropriate outcome in terms of scale bulk and height. The proposed height increase is not excessive relative to the existing development in the surrounds and is a step-change from the scale of development exhibited on site and in the surrounds presently. Were the site to be redeveloped in future, the combination of new and existing provisions would offer excellent potential for a well-aligned, proportioned and articulated building development.

### Principle 3 – Density:

The subject site is well-located relative to employment opportunities, public transport, community facilities, amenities and open space networks. In view of this it is reasonable that the site may sustain a relatively high density of residential occupancy in the future, considered in the context of the Wagga Wagga housing offering.

Principle 4 – Sustainability:

It will be possible for development to be configured to achieve high levels of environmental amenity and building performance to be pursued on the site in the future.

Principle 5 – Landscape:

The subject land comprises a relatively compact development site. There is existing planting associated with development already existing on the site. In the case that a new development is pursued in the future, the site offers sufficient ability to provide a landscape response appropriate to the context of the area and the design of that development.

Principle 6 – Amenity:

Addressing this principle would be specific to the design of any new or additional development proposed and cannot be commented on in the context of this assessment.

Principle 7 – Safety:

The ability to provide residential or accommodation development on the subject site, to a greater height than was previously the case, extends passive surveillance over the surrounding area over a greater distance and would introduce this effect to locations which do not receive this benefit outside of commercial or daytime hours including the north of the Wollundry Lagoon surrounds, Johnston Street and the public carpark associated with the nearby Woolworths supermarket.

Principle 8 – Housing diversity and social interaction:

Addressing this principle would be specific to the design of any new or additional development proposed and cannot be commented on in the context of this assessment.

Principle 9 – Aesthetics:

Addressing this principle would be specific to the design of any new or additional development proposed and cannot be commented on in the context of this assessment.

## **Compliance Test**

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A detailed assessment of the key matters listed above are provided below.

<b>Riverina Murray Regional Plan 2036</b>	
<b>Direction</b>	<b>Compliance</b>
Direction 4: Promote business activities in industrial and commercial areas	The planning proposal is consistent with this direction as it will increase the total potential floorspace available for the conduct of business activities on a site within the city centre. The central core of Wagga Wagga is a location identified to accommodate additional activity into the future to sustain its role as a central place for retailing, services and business activity within the city and the Riverina region. By enabling a greater height of building at the subject land location, a greater volume of activity will be able to occur within the area of the CBD.
Direction 7: Promote tourism opportunities	<p>The planning proposal is consistent with this direction. There are opportunities within the B3 Commercial Core zone to develop tourism related land uses. The planning proposal specifically foreshadows the development of the serviced apartment use to provide temporary accommodation on the site. This assessment does not enter into the merits of any specific development proposal. Despite this, the planning proposal can be seen to promote tourism opportunities for the city.</p> <p>The planning proposal would allow an incrementally greater intensity of commercial development to take place on the subject land, including several land use types of direct relevance to the local tourism industry. In this way the planning proposal upholds the intent of the Regional Plan.</p>
Direction 22: Promote the growth of regional cities and local centres	<p>The planning proposal promotes the growth of Wagga Wagga as the key regional centre within the Riverina region. This centre will provide functions that are centrally relevant to the lives of people throughout the city and the surrounding Riverina- Murray Region.</p> <p>Supporting the intent of the Regional Plan, the Wagga Wagga Local Strategic Planning Statement directs intensification of development within the Wagga Wagga CBD, to increase the activity and vibrancy of this key location. By increasing development potential of lands in a location such as the subject land, the planning proposal aids to achieve and maintain a critical mass of activity within the Wagga Wagga CBD. The planning proposal is consistent with this direction of the Regional Plan.</p>
<b>Wagga Wagga Local Strategic Planning Statement</b>	
<b>Principle</b>	<b>Compliance</b>
3: Manage growth sustainably	The Local Strategic Planning Statement places emphasis on the need to manage the growth of the city in a sustainable fashion. An integral component of this approach is to make efficient use of the existing footprint of the city. Encouraging infill development and intensification to the location-appropriate extent means that a greater amount of the city's activities can be fulfilled within a geographically smaller space. This reduces the requirement for additional expansion of infrastructure networks and capacity. The



	planning proposal fulfils this aim by allowing additional development of commercial floorspace where otherwise this would be displaced to alternative locations and increase overall pressure for expansion of the city and its infrastructural networks.
5: Encourage and support investment	Investment attraction is key to drive development and prosperity of the city. the Local Strategic Planning Statement recognises this and identifies several key areas throughout Wagga Wagga that will anchor economic development for the city. Planning provisions are to be configured to support ongoing activity and investment. The planning proposal is supportive of this direction by increasing the development potential available to undertake activities within the Wagga Wagga CBD. The B3 Commercial Zone in which the subject land sits is suitable to receive progressively greater amounts of development than presently exists and this can take place without generating land use conflict with neighbouring land uses.
6. Connected and accessible city	The subject site for the planning proposal is centrally located to the key service and employment area of the city. The ability to develop greater amounts of floorspace in this area of the city means that a greater volume of activities will be able to be placed in closer proximity to each other. Over time this trend will substantially reduce the length and number of separate journeys needed to move about the city and access various functions. The planning proposal is broadly consistent with the Local Strategic Planning Statement in this way.
7: Growth is supported by sustainable infrastructure	The Statement directs that development will take place in a way that is both environmentally and financially sustainable. A key part of this sustainability is to moderate the geographic expansion of the city. This reduces the expanse across which the infrastructural networks of the city must operate and increases the efficiency of development and upkeep costs associated with this. The planning proposal is consistent with this approach by increasing development opportunities that would otherwise be displaced to other locations within the city.
8: Our city promotes a healthy lifestyle	Development in close proximity to other services and amenities has social and active transit benefits. By increasing the potential for additional activities to occur nearby to other destinations within the city the requirement for vehicle journeys is reduced and the probability that journeys will be undertaken through active means increases. The planning proposal is consistent with this outcome by making additional potential floorspace available within the CBD.

9: High quality public spaces with an engaging urban character	<p>The northern end of the Wagga Wagga CBD features an eclectic mix of modern, mid-century and historic building design. Interspersed throughout the area are key public institutions and spaces existing alongside a wide variety of businesses. The area hosts a growing food and dining culture and popular community and visitor events.</p> <p>Augmenting the development potential of sites in an appropriate fashion will support the ongoing development and success of this area of the city. The Local Strategic Planning Statement specifies that the city needs to enable ambitious and innovate building design of greater height and scale. This matches with the expressed intent of the planning proposal.</p>
<b>Section 9.1 Ministerial Directions</b>	
<b>Direction</b>	<b>Compliance</b>
1.1 Business and Industrial Zones	This direction applies to the planning proposal as the planning proposal affects land within an existing business zone. The planning proposal achieves consistency with the direction. The planning proposal retains the existing area and location of the business zone affected and increases the total potential floor space area available for employment uses in that business zone.
2.1 Environment Protection Zones	This direction applies to the planning proposal as the direction applies to all planning proposals. The planning proposal demonstrates consistency with the direction. The planning proposal does not include environmentally sensitive areas within its subject land area. The planning proposal retains the effect of all existing provisions that facilitate protection and conservation of environmentally sensitive areas and any future development of the site will be assessed against those provisions.
2.3 Heritage Conservation	This direction applies to the planning proposal as the direction applies to all planning proposals. The planning proposal applies to land within the Wagga Wagga Heritage Conservation Area identified within the Wagga Wagga LEP 2010. The planning proposal retains the effect of all existing provisions that direct heritage conservation within the LEP and future development of the site will be assessed against those provisions.
2.4 Recreation Vehicle Areas	This direction applies to the planning proposal as the direction applies to all planning proposals. The planning proposal demonstrates consistency with the direction. The planning proposal does not enable any lands to be developed for the purpose of a recreation vehicle area.
3.1 Residential Zones	This direction has been considered in assessment of the planning proposal. The direction applies when a planning proposal is prepared that will affect land within a zone in which significant residential development is permitted or proposed to be permitted. At present within the Wagga Wagga LEP 2010, the B3 Commercial Zone permits the development of shop top housing only.

	<p>Wagga Wagga City Council is to develop a CBD Master Plan, which may permit additional residential land uses in the Wagga Wagga CBD in future, including at the subject land. While the present scenario posited by the planning proposal does not expressly permit significant residential development as noted by the direction, the height of building increase combined with factors considerations implies an increased ability to develop residential floorspace on the site can exist in future. Should this eventuate, residential development at this location would be consistent with objectives and requirements of the direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>This direction applies to the planning proposal as the direction applies to all planning proposals. The planning proposal demonstrates consistency with the direction. The planning proposal does not alter locations, provisions or permissibility of caravan parks or manufactured home estates within the Wagga Wagga LEP 2010.</p>
3.3 Home Occupations	<p>This direction applies to the planning proposal as the direction applies to all planning proposals. The planning proposal demonstrates consistency with the direction. The planning proposal does not alter the permissibility of home occupations as existing within the Wagga Wagga LEP 2010.</p>
3.4 Integrating Land Use and Transport	<p>This direction applies to the planning proposal as the planning proposal alters a provision relating to urban land, specifically land zoned for business purposes. The planning proposal increases development potential within the central area of Wagga Wagga which is supported to fulfil this role by the land use and transport strategies of the city. The planning proposal is consistent with the direction.</p>
4.3 Flood Prone Land	<p>This direction applies to the planning proposal as the planning proposal affects land which may be impacted by flooding. The planning proposal is consistent with the direction. Development of sites, including the subject land, within the Wagga Wagga CBD is consistent with an adopted Flood Risk Management Plan and Study. The subject land benefits from the protection of the Wagga Wagga flood levee bank, which prevents flooding to CBD sites during 1 in 100 year riverine flooding events.</p>
5.10 Implementation of Regional Plans	<p>This direction applies to the planning proposal as the direction applies to all planning proposals. The planning proposal demonstrates consistency with the direction. The consistency of the planning proposal with the Riverina-Murray Regional Plan 2036 is detailed under the earlier section of this table relating specifically to that document.</p>
6.1 Approval and Referral Requirements	<p>This direction applies to the planning proposal as the direction applies to all planning proposals. The planning proposal demonstrates consistency with the direction. The planning</p>

	proposal does not include provisions which require concurrence, consultation or referral of a Minister or public authority or which identify development as designated development.
6.2 Reserving Land for Public Purposes	This direction applies to the planning proposal as the direction applies to all planning proposals. The planning proposal demonstrates consistency with the direction. The planning proposal does not affect the reservation of land for public purposes.
<b>State Environmental Planning Policies</b>	
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	Despite this planning proposal not permitting the development of residential flat buildings, this policy has been deemed relevant to the planning proposal. The planning proposal foreshadows that the site is likely to be developed for serviced apartments, a land use that provides temporary accommodation but bears similarity to a residential flat building containing apartments for permanent residence. This report has also detailed how the imminent Wagga Wagga CBD Master Plan could enable permissibility for residential development including residential flat buildings. In that eventuality the SEPP would become directly relevant. Therefore, commentary about how development may uphold the principles of the policy after the planning proposal has been included in the discussion of key considerations within this report.

## Internal / External Consultation

Internal	A cross-directorate internal referrals occurred. Council's Development Assessment business section was consulted in discussion during assessment. The proposal is supported in principle. No formal comments were received.
External	Formal public consultation with adjoining land owners, the general public and referral agencies will occur after the Gateway Determination.

## Conclusion

The planning proposal has been considered in respect to the benefits to the community and the matters discussed in this report are all reflections of the public interest and community expectations through strategic direction and policy guiding documents. Taking into account the full range of matters that have been considered as part of this assessment (including the submissions received as part of preliminary consultation), it is considered that the proposal is reasonable and in the public's interest.

The proposal is supported for the following reasons:

1. The proposal will facilitate development of a scale and type appropriate for the area in accordance with the strategic land use planning intent for the area.
2. It complies with the provisions draft and endorsed strategic documents, including Riverina Murray Regional Plan 2036 and Wagga Wagga Local Strategic Planning

Statement.

3. It demonstrates consistency with all relevant Section 9.1 Ministerial Directions.
4. Addresses all applicable State Environmental Planning Policies.