

Tolland Estate Renewal

Finalisation Report

October 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

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First published: October 2024

Department reference number: EF23/10284

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DPHI-MC-R-WC-V1.0

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1 Introduction

The Department of Planning, Housing and Infrastructure's (the Department) Rezoning Pathways program seeks to identify and deliver proposals of state or regional significance that can contribute to increasing housing supply, to meet the needs of NSW's growing population.

In December 2022, industry was invited to apply for the State-assessed planning proposal pathway pilot process. Five successful applicants were invited to lodge a planning proposal with the Department on 14 September 2023.

The planning proposal for Tolland Estate Renewal was selected to be assessed under the State-assessed Planning Proposal industry nominated pilot program, which responds to the need for housing as well as several other key objectives, including:

- How well the proposal demonstrates public benefits, including through housing supply and alignment with state policies and land-use strategies.
- The proposal's contribution to affordable and social housing outcomes.
- How well impediments to delivery are understood and whether there is a pathway to resolution.
- Whether infrastructure is available, or funding is committed for critical infrastructure.

A discussion paper assessed the planning proposal for Tolland Estate Renewal and proposed a change in land zone across the site, by amending the *Wagga Wagga Local Environmental Plan (LEP) 2010*.

The planning proposal and Explanation of Intended Effects were publicly exhibited between 29 January 2024 to 26 February 2024. Following public exhibition, the Department has reviewed, and sought to address concerns raised in the submissions.

This report documents the consultation process and the way the concerns raised in the submissions have been addressed to make the recommendation to amend planning controls in the *Wagga Wagga Local Environmental Plan (LEP) 2010*.

1.1 Planning Proposal: Tolland Estate Renewal

The planning proposal for Tolland Estate Renewal (**Attachment E**) seeks to redevelop and improve the Tolland Estate by delivering approximately 500 new homes, a revised street layout and improved open space and recreation outcomes by increasing, extending, and connecting green space. The renewal of the Tolland Estate is driven by Homes NSW and will provide a variety of housing types for its estimated population of approximately 1,726 people.

The proposal will also enhance accessibility and connectivity, recreation and liveability outcomes, safety, and housing diversity.

1.2 Site description & regional context

The Tolland Estate subject site (**Figure 1**) is situated within the Wagga Wagga Local Government Area and is located 4km south of the Wagga Wagga town centre, and is approximately 67.5 ha in size and comprises 634 allotments, comprising 204 private residential homes, 247 social housing allotments, of which 80 are currently vacant lots.



Figure 1 subject site (source: Stantec planning proposal)

The Wagga Wagga Local Strategic Planning Statement (LSPS) identifies that urban infill and renewal will assist to deliver housing supply and specifically identifies the Tolland Estate as an area suitable for redevelopment, breathing new life into the estate while locating residents close to employment and services located in the Wagga Wagga CBD.

1.3 Proposed planning control amendments

The discussion paper (**Attachment F**) sought to amend *Wagga Wagga Local Environmental Plan (LEP) 2010* to enable the redevelopment of the Tolland Estate by rezoning most of the land within the precinct to the R1 General Residential zone. The application of a blanket R1 General Residential zone sought to provide flexibility, in the permitted land uses, to allow the site layout to be reconfigured to improve accessibility, connectivity, open space, and housing diversity.

The proposal seeks to redesign the estate to deliver an additional 62 allotments. The estate currently comprises 634 lots and will total 696 lots at the completion of the redevelopment. The renewal will retain 204 private residences and will deliver 180 new social housing, 20 affordable dwellings, and 292 new private market residences (refer to **Table 1**).

The proposed redevelopment of the estate will reduce the number of social housing dwellings within the Tolland Estate by 67, however, social housing dwellings are proposed to be redistributed across the Wagga Wagga LGA and overall, the number of social housing dwellings within Wagga will not be reduced as a result of the proposed redevelopment.

Table 1 breakdown of existing and proposed housing types within the Tolland Estate redevelopment

Tenure types	Existing housing	Proposed housing
Private residences	204	496 (292 new properties and the 204 existing)
Social housing	247 of which 80 are currently vacant lots	180
Affordable housing	0	20
Total	634 allotments	696 allotments

2 Public Exhibition

2.1 Public exhibition period and documents

The draft rezoning package was exhibited from 29 January 2024 to 26 February 2024 on the Department's planning portal website:

[Tolland Estate Renewal | Planning Portal – Department of Planning Housing and Infrastructure](#)

The draft rezoning package contained the following documentation:

- Discussion Paper; department assessment and explanation of intended effect
- FAQ Tolland Estate Renewal 2024
- Planning Proposal with the technical reports

2.3 Public notice

A media release announcing the state exhibition of the Tolland Estate Renewal was issued by the Minister for Planning and Public Spaces on 29 January 2024.

Notices were placed in the Wagga Wagga Daily Advertiser, advertising of the details of public exhibition on Monday 5 and Monday 19 February 2024.

2.4 Notification to landowners & key stakeholders

The Department notified all landowners/residents in writing, within and adjoining the precinct. The letter provided details of the exhibition period and invited submissions.

The Department notified key stakeholders of the exhibition, including Wagga Wagga City Council, State government agencies Transport for NSW, Department of Climate Change, Energy, Environment and Water, Riverina Water, and other relevant stakeholders.

2.6 Community drop in sessions

Homes NSW (previously Land and Housing Corporation) held two community drop-in sessions on Thursday 22 February 2024 between 11am and 1pm and 4pm and 6pm. A total of 42 people attended the sessions.

3 Submissions

3.1 Summary

All submissions received by the Department have been considered. A total of 11 submissions were received. Of these submissions six were from members of the community, and five were from public agencies, including Wagga Wagga City Council (**Table 2**).

Table 2: Summary of submissions received

Submission author	Number of submissions
Local Council	1
Government agencies	4
Community members	6

3.2 Table of public submissions

The matters raised by community members are listed and summarised in **Table 3 over page**, along with the Department’s response. There were no submissions from groups or organisations. A redacted copy of all public submissions received can be found in **Attachment G1**. The Department is satisfied concerns raised by the community have been resolved or will be during a further assessment process.

Table 3 Summary of submissions from individuals and organisations

Community submissions	Department response
Traffic and transport Increased traffic and change in road network	This planning amendment does not approve the proposed road network, which will occur through a separate approval process. Homes NSW and Council have been made aware of these concerns.
Reduction in Emblen Park Objection to the park being developed for housing and a loss of amenity.	The reconfiguration will see a reduction in Emblen Park but overall will result in an additional 15,479m ² of connected public open space, that will be embellished to provide new street furniture, play equipment and landscaping, serviced by footpaths, street lighting and street trees. The reconfigured public open space ensures most residents will be within 400m of public open space.
Increased density Units proposed are not supported.	It is considered that the proposed units are suitable as they will providing a range of housing types within the estate, which in turn can support a range of residents' needs.

3.3 Comments provided by public agencies

A copy of each agency's submission can be found in **Attachment G2**. This section provides a summary of each agency's submission in relation to the proposed planning control amendments and the Department's response. The Department is satisfied concerns raised by public agencies have been resolved to support this planning amendment.

3.3.1 Wagga Wagga City Council

Wagga Wagga Council has provided in principle support for the renewal of the Tolland Estate and raised the following comments in **Table 4 overpage**, along with the department's response

Table 4 Summary of comments raised by Council

Council comment	Department response
<p>Retention of RE1 Public Recreation zoning</p> <p>Council has requested land identified as public open space during public exhibition be zoned RE1 Public Open Space.</p>	<p>All land within the precinct identified for public open space will be zoned RE1 Public Recreation.</p>
<p>The delivery of medium density and diverse housing is unclear</p>	<p>Homes NSW is working with Council on precinct specific DCP controls and this process of refinement will clarify the delivery of housing.</p>
<p>Delivery timing of other documents</p> <p>It is unclear if the planning agreement and DCP can be completed by the time the proposal is expected to be notified.</p>	<p>A draft DCP and voluntary planning agreement has been prepared in consultation with Council, and was publicly exhibited between 31 May to 28 June 2024. Due to the collaborative nature of the project and that the project is led by Homes NSW, the Department is satisfied that a contributions plan and DCP will be in place prior to development commencing</p>
<p>Provision of additional information</p> <p>The discussion paper stated that further information was required in relation to stormwater management and sewer capacity. Council was unclear if this information was required from Homes NSW or Council.</p>	<p>Additional information was required from Homes NSW in relation to stormwater management and sewer capacity. This information has been provided by Homes NSW to the Department and Council.</p>
<p>Confirmation of dwelling numbers</p> <p>Council asked that the dwelling numbers be formally confirmed as dwellings provided by the proposal is different to the dwelling numbers listed in the Tolland Masterplan.</p>	<p>Council has been provided with the full breakdown of dwelling numbers, as seen in Table 1 on page 6 .</p>

Council comment	Department response
<p>Environment and planning concerns should be resolved at the proposal stage</p> <p>Council recommends key environmental and planning concerns be addressed early and at the precinct scale, to ensure risks are appropriately addressed.</p>	<p>The Department notes this recommendation and has resolved environmental planning issues relevant to the rezoning. The department is satisfied concerns raised by council have been resolved.</p>

3.3.2 Transport for NSW

Transport for NSW (TfNSW) has advised surrounding intersection upgrades are unlikely. TfNSW would like to see upgrades to the existing pedestrian / active travel network and see connection of shared paths to the existing pedestrian footpaths to ensure the safety of users travelling via the active travel paths to the South City Shopping Centre.

Department Response: Homes NSW have responded to TfNSW and included additional travel connections:

- A new 2.5m wide path connecting the estate to the Tolland Shops
- A new 2.5m wide path connecting the estate to South City Shopping Centre.
- 1.25km of new 2.5m wide active travel path.

The Department is satisfied concerns raised by TfNSW have been resolved.

3.3.3 Homes NSW

Homes NSW requested it be nominated as the acquisition authority for any privately owned allotments to be rezoned RE1 Public Recreation to remove this burden from Council. Also, for the 'community land' classification applying to the land proposed to be rezoned from RE1 Public Open Space to R1 General Residential be amended to 'operational land'. This will allow the reconfiguration of parks and roads to proceed and construction activities to commence as the project moves into the delivery stages.

Department Response: Homes NSW have been identified as the acquisition authority for six privately owned allotments proposed to be rezoned RE1 Public Recreation, to remove this burden from Council.

3.3.4 Department of Climate Change, Energy, the Environment and Water – Biodiversity and Conservation Science Group division

The Biodiversity and Conservation Science group advised it supports the proposed increase in housing density, on an infill site, as this reduces the pressure on greenfield sites. The

submission also provided advice in relation to biodiversity and that a flooding assessment that covers the whole site be provided to addresses any inconsistency with s9.1 Ministerial Direction 4.1 Flooding.

Department Response: There are no negative biodiversity impacts identified in Biodiversity Assessment Report that will hinder the redevelopment of the Tolland Estate. Homes NSW undertook a flood assessment for the entire precinct which demonstrates consistency with Ministerial Direction 4.1 Flooding, as assessed below in Section 4.2 Flood. The Department is satisfied advice provided by Biodiversity and Conservation Science group has been addressed.

4 Post Exhibition Assessment

In this post exhibition assessment, the Department sought to address concerns relating to flooding, open space and land acquisition. Consequently, the Department requested additional technical work be conducted or updated.

4.1 Site-specific assessment: Regional and District Plans, SEPPs and 9.1 Directions

The proposal has been subject to detailed review and assessment throughout this planning process. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Discussion Paper (**Attachment F**), the planning proposal:

- Remains consistent with the regional plan relating to the site.
- Remains consistent with Wagga Wagga Council's Local Strategic Planning Statement.
- Remains consistent with all relevant SEPPs.
- Remains consistent with the Strategic Assessment.
 - Social and economic impacts.
 - Environmental impacts.
 - Infrastructure.

At the time of exhibition, the proposal was consistent with all but one 9.1 Direction, 4.1 Flooding. Consideration of the proposal's inconsistency with this Direction is addressed in Section 4.2 Flooding below.

4.2 Flooding

The site is affected by local overland flow, that is flow from local rainfall events and not Murrumbidgee River (Riverine) flooding. The Wagga Wagga Major Overland Flow Floodplain Risk Management Study and Plan 2021 (MOFFS) shows local overland flow flooding for existing development on the site at the 1% Event and the PMF event (**Figure 2, overpage**).

Homes NSW have undertaken flood modelling for the whole subject site to assess flood affectation on the site for the 10%, 5%, 1%, 0.2% and PMF events (**Attachment Flood Report**).

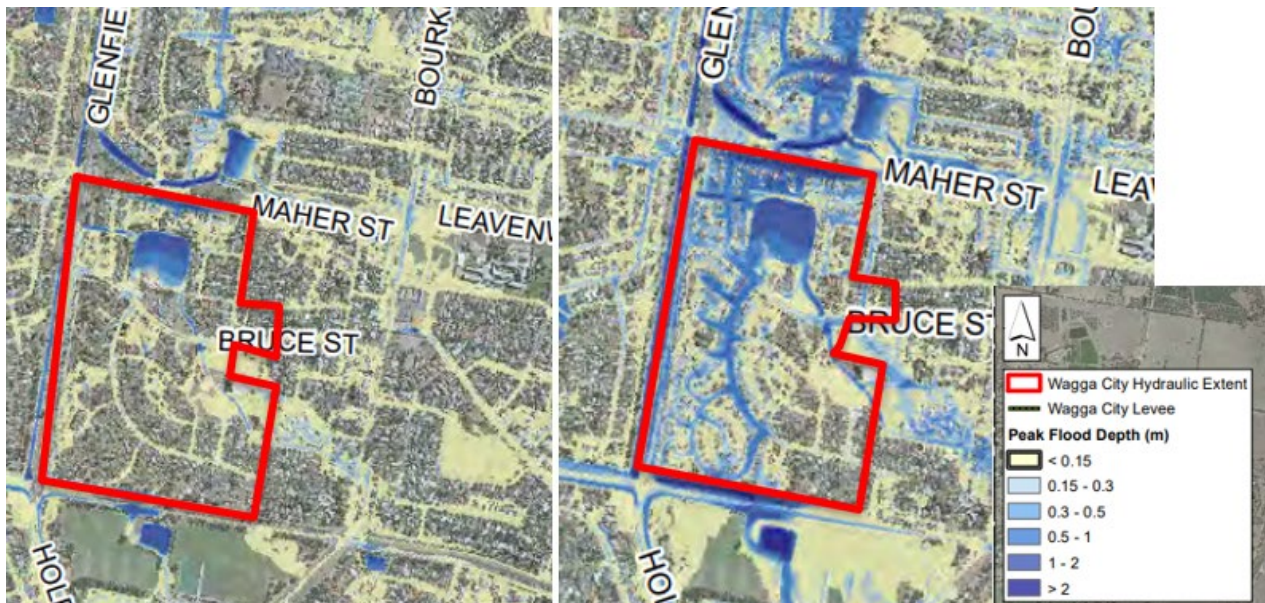


Figure 2 Major overland flow flood depths and extent at 1% AEP and PMF Event (source: Wagga Wagga MOFFS 2021)

Department Recommendation

The Flood Report demonstrates the proposed development is not likely to result in significant impacts to other properties, in and outside of the precinct and that residents can safely evacuate which is consistent with Ministerial Direction 4.1 Flooding. The report concluded the proposed design for the Tolland Estate is relatively low risk and demonstrates the proposed development will not result in a significant increase in dwelling density on the land or impacts to other properties and will not affect the safe occupation and efficient evacuation, or result in significantly increased government spending on emergency management services and flood mitigation measures.

4.3 Public open space

The Tolland Estate draft concept Master Plan clearly shows the proposed open space network for the estate and was exhibited with the rezoning package and has since been endorsed by Council unamended.

The exhibited proposal sought to rezone the entire precinct R1 General Residential, including the land identified for public open space. Using a blanket R1 General Residential zone (to land zoned RE1 and R3) was to allow flexibility in the design and redevelopment process. The intent was for land identified as public open space in the Tolland Estate Master Plan be rezoned upon completion of the redevelopment.

In response to Council's submission, that the R1 General Residential zoning didn't provide the community with sufficient certainty or transparency over the location of the public open space. Homes NSW agreed that zoning the land to RE1 Public would provide more certainty.

Consequently, the land identified for public open space in the planning proposal will be zoned RE1 Public Open Space to ensure certainty and transparency between the proposed land use and the land zoning.

Department Recommendation

This is not considered a material change to the rezoning package that was public exhibited, as the intent was clearly and consistently outlined where the public space network is proposed to be located.

The majority of the land proposed to be zoned from R1 General Residential to RE1 Public Recreation is owned by Homes NSW, however, six allotments are privately owned. Homes NSW has advised relevant landowners over its need to acquire these properties to enable the redevelopment of Tolland Estate and Homes NSW is currently in negotiations to purchase these allotments with affected landowners. Rezoning these allotments RE1 Public Recreation will not impact these ongoing negotiations.

The site will be rezoned part R1 General Residential and part RE1 Public Recreation to provide clarity over the delivery of public open space.

4.4 Acquisition authority

Rezoning land to RE1 Public Recreation would ordinarily create acquisition obligations for Council. To ensure Council is not unfairly burdened, Homes NSW requested it be nominated as the acquisition authority for these allotments.

5 Recommendation

5.1 Planning control amendments

In response to public and agency submissions and the Department's post exhibition assessment, the following planning provisions will be introduced by amending State Environmental Planning Policy Amendment (Wagga Wagga) 2024 to amend the Wagga Wagga Local Environmental Plan 2010.

Written amendments

Homes NSW will be introduced under clause 5.1 (2) *Relevant acquisition authority*, of the WWLEP 2010 as the acquisition authority to allow six allotments to be purchased or acquired (**Attachment SEPP**).

Mapping amendments

Land Zoning Map (**Attachment LZN Map**):

- Rezone land zoned R3 Medium Density Residential to R1 General Residential.
- Rezone land zoned RE1 Public Recreation to R1 General Residential.
- Rezone land zoned R1 General Residential to RE1 Public Recreation

Land Reservation Acquisition Map (**Attachment LRA Map**):

- Identifying six allotments that Homes NSW will become the acquisition authority.

5.2 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes are minor, in response to submission comments provided and maintains the intent of the planning proposal.

5.3 Recommendation

It is recommended the Governor makes the draft LEP under clause 3.29(1) of the Act because:

- An Explanation of Intended Effects outlining the intended effects of the proposed instrument has been published.
 - Concerns raised during consultation have been addressed.
 - The draft LEP has strategic merit being consistent with Wagga Wagga LEP 2010 plan.
 - The draft LEP is consistent with the relevant 9.1 Ministerial Directions and State Environmental Planning Policies.
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Attachments

Attachment	Document
Discussion Paper	Tolland Estate Discussion Paper (Explanation of Intended Effects)
Planning Proposal	Tolland Estate Renewal Planning Proposal
Flood Report	Flood Report
Public Submissions	Public Submissions
Agency Submissions	Agency Submissions
SEPP	Amending Instrument
PC	PC Opinion
Map LZN	Land Zoning Map
Map LRA	Land Reservation Acquisition Map