

Explanatory Note

Planning Agreement for the Tolland Renewal Project

1 Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the proposed Planning Agreement in relation to the Tolland Renewal (**Planning Agreement**) under section 7.4 of the *Environmental Planning and Assessment Act 1979* (NSW) (**Act**).

This Explanatory Note has been prepared jointly by the relevant parties, in accordance with section 205 of the *Environmental Planning and Assessment Regulation 2021* (NSW) (**Regulation**).

2 Parties

The parties to the Planning Agreement are:

1. Wagga Wagga City Council (ABN 56 044 159 537) (**Council**); and
2. New South Wales Land and Housing Corporation (**LACH**) (ABN 24 960 729 253) (**Developer**).

3 Description of the Land to which the Planning Agreement applies

The Land to which the Planning Agreement applies is described in Schedule 2 of the Planning Agreement (**Land**). The Land is located within the Wagga Wagga local government area and is comprised of:

1. land that is owned, or will be owned, by the Developer, known as the “Developer Land”; and
2. land which the Developer is in the process of compulsorily acquiring from Council, known as the “Acquisition Land”.

The Land is shown below.

Figure 1- Tolland Masterplan



4 **Description of the Development / changes to environmental planning instrument**

The LAHC rezoning proposal for Tolland will deliver around 500 new homes, 200 of which will be social and affordable housing, through the development of 300 additional lots.

The proposal includes the delivery of infrastructure to provide the roads, utilities, drainage, footpaths, and upgraded parks for future residents.

In order to facilitate the Development, LAHC has sought amendments to the *Wagga Wagga Local Environmental Plan 2010 (LEP)* to rezone the land identified in the Planning Proposal from RE1 Public Recreation and R3 Medium Density Residential zoning to R1 General Residential.

The Planning Proposal is being facilitated by the Department of Planning, Housing and Infrastructure (DPHI) through the State Assessed Planning Pathway program which means it is being assessed, exhibited and finalised by DPHI rather than Council.

LAHC has entered into the Planning Agreement with Council under section 7.4 of the Act in connection with the change to the LEP resulting from the Planning Proposal and the future development of the Land.

5 **Summary of Objectives, Nature and Effect of the Planning Agreement**

5.1 **Objectives**

The Planning Agreement exists to support the implementation of the planning proposal. The Planning Proposal objectives, and therefore the Planning Agreement objectives are to:

- a) facilitate precinct wide renewal with revised street layout, increased permeability, connectivity and safety, walkability and livability,
- b) Provide enhanced and safer public spaces with increased permeability and surveillance, which are open, activated, functional, accessible and appropriate for a range of age groups,
- c) redefine the boundaries and increase the quantity of the public open space,
- d) provide enhanced and safer public spaces with increased permeability and surveillance, which are open, activated, accessible, appropriate for a range of age groups and functional,
- e) optimise the site's potential through the provision of market housing and the renewal of the existing social dwellings to create a vibrant, healthy, community,
- f) provide a pattern of housing which integrates social housing, is tenure blind and appropriately increases densities, dwelling typology and yield,
- g) improve precinct interface and connectivity with the wider community through suburb boundaries and road reserves which are active and open, and
- h) allow flexibility in the design process and layout while detailed site studies and land acquisition processes are ongoing.

In addition, the objective of the Planning Agreement is to provide for the delivery of public benefits in connection with the Planning Proposal and future development of the Land by requiring the Developer to:

- deliver infrastructure, and facilities, and
- dedicate part of the Land to the Council for public purposes including public open space.

The infrastructure to be delivered in the Planning Agreement to meet the objectives includes upgrades to open space areas (including the dedication of land), increased active travel

connections, improved public toilets in the area, a plug and play stage and improved mobile library facilities. The following figure shows the infrastructure to be delivered.

Figure 2- Tolland Projects



5.2 Nature

The Planning Agreement is an agreement under section 7.4 of the Act. It is a voluntary agreement under which the Developer makes Development Contributions (as defined in clause 1.1 of the Planning Agreement) for various public purposes (as defined in section 7.4(2) of the Act).

The Development Contributions are broadly described as developer works and the dedication of land to deliver infrastructure, recreational assets and community facilities. The Developer will deliver the Development Contributions in lieu of providing section 7.11 contributions in respect of the Development. The Developer is not required to pay a monetary contribution under the Planning Agreement.

The details, staging and timing of these Development Contributions are set out in Schedule 3 of the Planning Agreement and are reproduced below.

The Planning Agreement (Schedule 3) sets out requirements for completion of the infrastructure by a certain point of the Development within each stage, with practical completion tied to the Subdivision Certificate for the relevant stage.

Table 1– Developer Works List

Item No.	Description	Timing	Estimated Cost to Complete
A. Developer Works			
1	Upgrade existing park to embellished through park Embellishment of new public open space with an approximate area of 1,513m ² and generally in the location indicated by item 6 on the Landscape Masterplan, comprising: <ul style="list-style-type: none"> - turfing disturbed areas; - mass planting; - irrigation; - additional trees; - 2.5m wide shared pathway; - fitness equipment; - bench seats; and - lighting. 	Within 18 months of the date of issue of the first Subdivision Certificate in Stage 1A.	\$184,874
2	Upgrade existing central park Embellishment of new public open space with an approximate area of 15,146m ² and generally in the locations indicated by items 2, 3, 4 and 5 on the Landscape Masterplan, comprising: <ul style="list-style-type: none"> - BBQ facilities; - shade structures for play equipment; - Irrigation; - picnic tables with roofs; - bench seats; and - water bubbler. 	Within 18 months of the date of issue of the first Subdivision Certificate in Stage 1B.	\$156,454
3	New through park and activity hub Embellishment of new public open space with an approximate area of 15,542m ² and generally	Within 18 months of the date of issue of	\$2,422,580

Item No.	Description	Timing	Estimated Cost to Complete
	<p>in the locations indicated by items 7, 8 and 9 on the Landscape Masterplan, comprising:</p> <ul style="list-style-type: none"> - clearing debris; - turfing; - new play equipment including softfall and shade sails; - irrigation; - fitness equipment; - mass planting, including additional trees; - 2.5m wide shared pathway; - decomposed granite and seating for a learning space; - bridge over swale; - BBQ facilities; - shelter; - picnic tables; - bench seats; - water bubbler; - garbage bins; and - lighting. 	the first Subdivision Certificate in Stage 2A.	
4	Red Hill Road upgrade to existing crossing (Provisional Cost)	Within 18 months of the date of issue of the first Subdivision Certificate in the relevant Stage 2A	\$50,000
5	<p>Chambers Park works</p> <p>Additional embellishments of Chambers Park to improve passive surveillance, drainage and activation including:</p> <ul style="list-style-type: none"> - Turfing and mass planting for additional areas on Bruce and Awaba Street - Stabilisation of banks - 430m on new 2.5m wide shared path - Lighting for shared path. 	Within 18 months of the date of issue of the first Subdivision Certificate in Stage 3.	\$772,870
6	<p>Chambers Park Toilet block</p> <p>Repairs and upgrades to the existing toilet block within Chambers Park including:</p> <ul style="list-style-type: none"> - Demolish old amenities. - Remediate site. - Provision of three female toilets, three male toilets, urinals, and basins. - Three external wash basins. - Unisex accessible toilet. 	Within 18 months of the date of issue of the first Subdivision Certificate in Stage 3.	\$850,000

Item No.	Description	Timing	Estimated Cost to Complete
7	Mobile library facilities Repairs and upgrades to the existing mobile library facilities within Chambers Park including: <ul style="list-style-type: none"> - Larger shelter structure - Concrete pad and accessible pathways - fixed tables and chairs - Relocation of existing facilities closer to community centre (if possible) 	Within 18 months of the date of issue of the first Subdivision Certificate in Stage 3.	\$150,000
8	Plug and play stage upgrades Repairs and upgrades to the existing plug and play stage facilities within Chambers Park including: <ul style="list-style-type: none"> - 3 Phase power - Potable Water - Fixed shade structure especially to protect from western sun in the afternoons. - Lighting – on stage as well as facing out externally to light up perimeter of stage + connecting accessible footpaths. - Lockable temporary storage area to secure supplies/equipment when a community event is being delivered on site. - Connecting accessible pathways to the car park for unloading sound equipment etc. to the stage area + accessible pathway connecting plug and play community stage to public toilet facility with good lighting coverage. - Works to include event facilities including water and power connections. 	Within 18 months of the date of issue of the first Subdivision Certificate in Stage 3.	\$400,000
9	Footpath works <ul style="list-style-type: none"> <input type="checkbox"/> Project A - 1km of 2.5m wide concrete shared way to Tolland Shops Via Bruce Street to be delivered with Stage 1B. <input type="checkbox"/> Project B - 1.25km of 2.5m Wide asphalt active travel path to Fernleigh Road via Glenfield Road to be delivered with Stage 2A. <input type="checkbox"/> Project C - 1km of 2.5m wide concrete shared way to South City Shopping Centre via Dalman Parkway to be delivered with Stage 3. 	Within 18 months of the date of issue of the first Subdivision Certificate in the relevant Stage to which the footpath works relate, as indicated in Column 2 .	\$2,162,748
B. Dedication of Land			
10	Dedication of new public open space Dedication of new public open space with a total	Prior to the issue of an	Nil

Item No.	Description	Timing	Estimated Cost to Complete
	area of approximately 90,707m ² , comprising: i. Chambers Park; ii. Emblem Park; and iii. Central Park, indicatively shown on the plan at Annexure Error! Reference source not found..	Occupation Certificate for the first dwelling that fronts the public open space.	
11	Dedication of road reserves Dedication of new fully constructed public roads (including verges) with a total area of approximately 141,528m ² .	Prior to the issue of an Occupation Certificate for the first dwelling that fronts the road.	Nil
Total estimated value = \$7,149,526 (ex GST)			

The value of the developer works exceeds the applicable Section 7.11 contributions under the Wagga Wagga Local Infrastructure Contributions Plan 2019 – 2034 by approximately \$3.6 million.

A map of the proposed lands to be acquired and dedicated to the Council is contained in Annexure B of the Planning Agreement and is reproduced below.

Figure 3 – Land acquisition plan

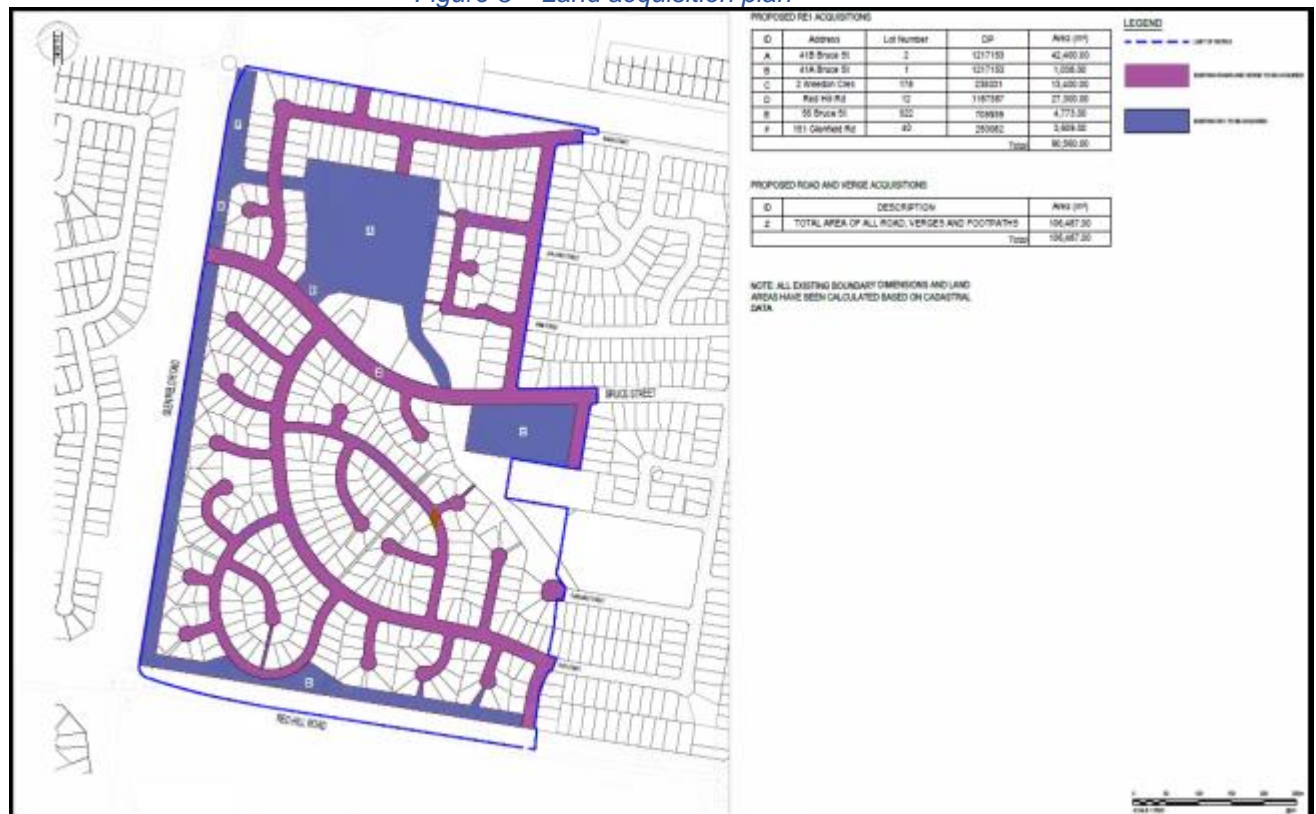


Figure 4 - Land Dedication Plan



5.3 Effect

The Planning Agreement:

- relates to the Planning Proposal and the carrying out of the Development;
- wholly excludes the application of local contributions under sections 7.11 and 7.12 of the Act to the Development,
- does not exclude the application of regional contributions under section 7.24 of the Act,
- provides for the delivery of in kind Development Contributions by the Developer by requiring the dedication of open space, carrying out of required infrastructure and parks embellishment, and
- is required to be registered on the title to the land proposed to be dedicated to Council, known as the "Registration Land".

5.4 Public Benefit

The Developer is required to provide the following public benefit in accordance with the Planning Agreement.

Public Open Space

The Planning Agreement requires the dedication of open space and embellishment work to these spaces. These works include:

- Embellishment of new public open space with an approximate area of 1,513m² and generally in the location indicated by item 6 on the Landscape Masterplan.
- Embellishment of new public open space with an approximate area of 15,146m² and generally in the locations indicated by items 2, 3, 4 and 5 on the Landscape Masterplan.
- Embellishment of new public open space with an approximate area of 15,146m² and generally in the locations indicated by items 2, 3, 4 and 5 on the Landscape Masterplan.
- Additional embellishments of Chambers Park to improve passive surveillance, drainage and activation.

- Repairs and upgrades to the existing toilet block within Chambers Park.
- Repairs and upgrades to the existing mobile library facilities within Chambers Park.
- Repairs and upgrades to the existing plug and play stage facilities within Chambers Park.

Active Travel

The Planning Agreement includes an additional 4.75km of sharedpaths throughout Tolland to enable connection to the broader Wagga Wagga active travel network, enabling better connection with key local services including the Tolland Shops and South City Shopping Centre. These footpath works consist of:

- 1km of 2.5m wide concrete shared way to Tolland Shops via Bruce Street to be delivered with Stage 1B,
- 1.25km of 2.5m wide asphalt active travel path to Fernleigh Road via Glenfield Road to be delivered with Stage 2A,
- 1km of 2.5m wide concrete shared way to South City Shopping Centre via Dalman Parkway to be delivered with Stage 3, and
- Red Hill Road upgrade to existing crossing.

6 Assessment of the merits of the Planning Agreement

6.1 The Planning Purposes Served by the Draft Planning Agreement

The Planning Agreement is consistent with and promotes the objects in section 1.3 of the Act. In particular, the Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the land to which it applies, and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

The Planning Agreement is required to deliver the proposed masterplan and revised road, and open space framework proposed within the masterplan.

6.2 How the Planning Agreement Promotes the Public Interest

The Planning Agreement sets out arrangements for the delivery of infrastructure, facilities and services to meet the needs of the Development, and to provide for the dedication of community land and roads to Council.

The Planning Agreement promotes the public interest by promoting the objects of the Act as set out in section 1.3 of the Act and through the provision of the public benefits outlined above.

6.3 How the Draft Planning Agreement Promotes the Principles for Local Government Contained in Chapter 3 of the *Local Government Act 1993*

The Planning Agreement promotes the principles for local government by:

- strategically using the integrated planning and reporting framework for the provision of effective and efficient services and regulation to meet the diverse needs of the local community,
- working with others to secure appropriate services for local community needs,
- acting fairly, ethically and without bias in the interests of the local community,
- keeping the local and wider community informed about its activities and
- providing adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.

6.4 Whether the Planning Agreement Conforms with Council's Capital Works Program

The works are not part of Council's current capital works program.

6.5 Whether the Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or

subdivision certificate is issued

Yes, developer works are required to be delivered prior to the issuing of a Subdivision Certificate for relevant stages of the development. These are detailed in schedule 3 of the agreement and reproduced in section 5.2 above.