

**Amend Wagga Wagga LEP 2010 - Rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassify to Community Land**

**Proposal Title :** Amend Wagga Wagga LEP 2010 - Rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassify to Community Land

**Proposal Summary :** Wagga Wagga City Council seeks to rezone lot 34 DP 1061134 (Council owned land) from R1 General Residential Zone to RE1 Public Recreation Zone and to reclassify the land from 'Operational Land' to Community Land'. The site has an area of 1,273 M2.

The land, part of Tatton Park, was previously reclassified as 'Operational Land' under Wagga Wagga LEP 2010 using Schedule 4 Part 2 of Wagga Wagga LEP 2010. Council now wish to reclassify the land back to Community Land, embellish the site, and continue using the site for public recreation.

**PP Number :** PP\_2012\_WAGGA\_002\_00      **Dop File No :** 11/22645-1

**Proposal Details**

|                                          |                      |                             |                                 |
|------------------------------------------|----------------------|-----------------------------|---------------------------------|
| <b>Date Planning Proposal Received :</b> | <b>21-Dec-2011</b>   | <b>LGA covered :</b>        | <b>Wagga Wagga</b>              |
| <b>Region :</b>                          | <b>Southern</b>      | <b>RPA :</b>                | <b>Wagga Wagga City Council</b> |
| <b>State Electorate :</b>                | <b>WAGGA WAGGA</b>   | <b>Section of the Act :</b> | <b>55 - Planning Proposal</b>   |
| <b>LEP Type :</b>                        | <b>Spot Rezoning</b> |                             |                                 |

**Location Details**

|                      |                          |                   |                    |
|----------------------|--------------------------|-------------------|--------------------|
| <b>Street :</b>      | <b>49 Fitzroy Street</b> |                   |                    |
| <b>Suburb :</b>      | <b>Tatton</b>            | <b>City :</b>     | <b>Wagga Wagga</b> |
|                      |                          | <b>Postcode :</b> | <b>2650</b>        |
| <b>Land Parcel :</b> | <b>Lot 34 DP 1061134</b> |                   |                    |

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**Amend Wagga Wagga LEP 2010 - Rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassify to Community Land**

**Land Release Data**

|                                    |      |                                                      |     |
|------------------------------------|------|------------------------------------------------------|-----|
| Growth Centre :                    | N/A  | Release Area Name :                                  | N/A |
| Regional / Sub Regional Strategy : | N/A  | Consistent with Strategy :                           | N/A |
| MDP Number :                       |      | Date of Release :                                    |     |
| Area of Release (Ha) :             | 0.00 | Type of Release (eg Residential / Employment land) : | N/A |
| No. of Lots :                      | 0    | No. of Dwellings (where relevant) :                  | 0   |
| Gross Floor Area :                 | 0    | No of Jobs Created :                                 | 0   |

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

**Supporting notes**

Internal Supporting Notes : **Minor spot rezoning to RE1 Public Recreation and reclassification of land to Community to enable embellishment and use as a park.**

External Supporting Notes : **Lot 61 DP 1041446 and Lot 34 DP 1061134 (Tatton Park) were both reclassified to Operational Land under Wagga Wagga Local Environmental Plan (LEP) 2010. The reclassification was to facilitate the transfer of the land to the Diocese of Wagga Wagga. Council has now determined that Lot 34 DP 1061134 is to be retained by Council and embellished for public recreation.**

**The Planning Proposal therefore proposes to rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassify the land to 'Community Land' by removing the words "and Lot 34 DP 1061134" from Schedule 4 Part 2 of the LEP and inserting "Lot 34 DP 1061134" under Schedule 4 Part 3 'Land classified, or reclassified, as community land'.**

**Adequacy Assessment**

**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The PP clearly states that its objective is to rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassify it from 'Operational Land' to 'Community Land'.**

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? **Yes**

Comment :

**Amend Wagga Wagga LEP 2010 - Rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassify to Community Land**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**2.1 Environment Protection Zones**

**2.3 Heritage Conservation**

\* May need the Director General's agreement

**3.1 Residential Zones**

**4.3 Flood Prone Land**

**4.4 Planning for Bushfire Protection**

**6.2 Reserving Land for Public Purposes**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered : **N/A**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **It is considered that s117 Directions 2.1; 2.3; 4.3; and 4.4 do not apply to this rezoning and reclassification and in any case Directions 2.3 and 4.3 are adequately covered by standard clauses in Wagga Wagga LEP 2010.**

**Any inconsistency with s117 Direction 3.1 is considered to be of minor significance and reflecting current land use.**

**s117 Direction 6.2 will require the Director General to agree to the application of the RE1 Zone over this land.**

**RECOMMENDATION:**

**That the Director General, under s117 6.2, agrees to the land being shown as RE1 Public Recreation in the Planning Proposal and will consider his formal agreement when the final LEP is submitted.**

**That the Director General is satisfied that any inconsistencies with other s117 Directions are of minor significance.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **The PP includes site locality maps for lot 34 DP 1061134 showing the current and proposed zones and an amending Land Zoning Map Sheet showing the proposed zone change to RE1 Public Recreation Zone.**

**No other map amendments are required.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **To be at the discretion of the Department.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons : **There are additional matters to be addressed when land is proposed to be reclassified, e.g. any interest etc to be extinguished. These requirements have been addressed in the PP. No interests are to be extinguished because the land is being reclassified from**

**Amend Wagga Wagga LEP 2010 - Rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassify to Community Land**

Operational Land to Community Land. The land will be retained in Council ownership for public recreation.

Note: The Governor's approval is not required because no interests are being extinguished and the land is being reclassified from Operational Land to Community Land.

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The PP is considered of minor significance.**

**Proposal Assessment**

**Principal LEP:**

Due Date :

Comments in relation to Principal LEP : **Wagga Wagga LEP 2010 was published and notified on the 16 July 2010.**

**Assessment Criteria**

Need for planning proposal : **The rezoning of lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassification to Community Land will reflect the intended continued use of the site for public recreation.**

Consistency with strategic planning framework : **The proposal is in accordance with a Council resolution at its meeting 12 December 2011.**

Environmental social economic impacts : **It is unlikely that the PP will create any adverse environmental, social or economic impacts.**

**Assessment Process**

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

## Amend Wagga Wagga LEP 2010 - Rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone and reclassify to Community Land

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

### Documents

| Document File Name                                                | DocumentType Name        | Is Public |
|-------------------------------------------------------------------|--------------------------|-----------|
| Letter for Dept.pdf                                               | Proposal Covering Letter | Yes       |
| PLANNING PROPOSAL Tatton Pocket Parks.pdf                         | Proposal                 | Yes       |
| PLANNING PROPOSAL - Section 117directions Tatton Pocket Parks.pdf | Proposal                 | Yes       |
| Council Report.pdf                                                | Proposal                 | Yes       |
| Council resolution.pdf                                            | Proposal                 | Yes       |
| Attachment A.pdf                                                  | Proposal                 | Yes       |
| Attachment B.pdf                                                  | Proposal                 | Yes       |
| Attachment C.pdf                                                  | Proposal                 | Yes       |
| Attachment D.pdf                                                  | Proposal                 | Yes       |
| Draft LZN_004D 20111017.pdf                                       | Map                      | Yes       |
| Air Photo Lot 34 DP 1061134.pdf                                   | Photograph               | Yes       |

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.2 Reserving Land for Public Purposes

Additional Information : 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and  
 (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

3. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway Determination.

4. It is recommended that the Director General:

(a) agrees under s117 Direction 6.2 Reserving Land for Public Purposes to the land being shown as RE1 Public Recreation in the Planning Proposal and will consider his formal agreement when the final LEP is submitted; and  
 (b) is satisfied that any inconsistencies with other s117 Directions are of minor significance.

**Amend Wagga Wagga LEP 2010 - Rezone Lot 34 DP 1061134 to RE1 Public Recreation Zone  
and reclassify to Community Land**

Supporting Reasons :      **Public consultaton is required because the proposal invloves the reclassification and  
rezoning of Council owned land.**

Signature:



Printed Name:

**MARK PARKER**  
**Local Planning Manager**

Date:

*12th January 2012*