

RP-7 REZONING OF 49 FITZROY STREET, TATTON (LOT 34 DP 1061134) FROM R1 GENERAL RESIDENTIAL TO RE1 PUBLIC RECREATION ZONE

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Recommendation

That Council:

- a receive and note the report**
- b forward the planning proposal for the change of zone over the subject land to the Department of Infrastructure and Planning under Section 56(1) of the Environmental Planning and Assessment Act, requesting that the Minister issue a “gateway determination” that will allow the planning proposal to proceed**

Report

Background

The purpose of this report and associated Planning Proposal is to facilitate the return of Lot 61 DP 1041446 to the Diocese of Wagga Wagga.

At the time of the exhibition of the draft WWLEP 2010, both Lot 61 DP 1041446 and Lot 34 DP 1061134 were identified as being surplus to Council’s needs in relation to public open space requirements. Both lots had previously been dedicated to Council for the purposes of a park (both lots adjoin each other). As a result, the Diocese argued for the return of both lots. Council undertook the reclassification process to transfer the land from “Community” to “Operational” Land the land is now listed in Schedule 4 Part 2 of the new Wagga Wagga Local Environmental Plan 2010.

Before the land can be returned to the Diocese, the adjacent Lot 34 DP 1061134 which is to become a “pocket park” must be rezoned from R1 General Residential to RE1 Public Recreation.

In terms of the agreement mentioned in the letter attached to this report (dated 30 April 2009), the Diocese of Wagga Wagga must embellish the pocket park, (Lot 34 DP 1041446), to the satisfaction of the Manager of Parks and Recreation for Wagga Wagga City Council and the Director of Properties of the Diocese of Wagga Wagga before Lot 61 DP 1041446 can be returned.

The agreement states that Lot 61 DP 1041446 will eventually be returned to the Diocese at no expense to it, in lieu of the previously over supplied public open space, subject to the required embellishment and the proposed rezoning of Lot 34 DP 1061134.

Planning Proposal

Further to the information under “Background” above, the primary purpose of this Planning Proposal is to rezone 49 Fitzroy Street, Tatton (Lot 34 DP 1061134) from R1 General Residential to RE1 Public Recreation and to reclassify Lot 34 DP 1061134 from “Operational” to “Community” Land. This will remove Lot 34 DP 1061134 from Schedule 4, Part 2, Column 2 of the Wagga Wagga Local Environmental Plan 2010 and replace it in Schedule 4, Part 3 of the Wagga Local Environmental Plan 2010.

Note that as Lot 61 DP 1041446 is classified as “Operational” Land in accordance with the *Local Government Act 1993*, Council is able to transfer the land back to the Diocese as per the agreement. However due to its rezoning, Lot 34 DP 1061134 must be reclassified from “Operational” to “Community” Land. As part of the reclassification of public land process, transferring “operational” land to “community” land does not require a public hearing.

Next Steps

Following endorsement by Council, the Planning Proposal will be forwarded to the Department of Planning and Infrastructure seeking a Gateway determination to proceed with the amendment. The Gateway decision will set out requirements for any additional investigations, consultations and the timing of any required changes to the WWLEP 2010.

Budget

N/A

Policy

Wagga Wagga Local Environmental Plan 2010

Impact on Public Utilities

N/A

Link to Strategic Plan

2. A Community with Health and wellbeing

2.4 Keep our community spaces clean and healthy

QBL Analysis

	Positive	Negative
Social	The effect of the proposal will be for Council the Diocese of Wagga Wagga and the Tatton community, to derive greatest benefit from the land.	N/A
Environmental	N/A	N/A
Economic	The agreement referred to in the Planning Proposal will allow the Diocese of Wagga Wagga to derive due return from land once dedicated by it to Council.	N/A
Governance	N/A	N/A

Risk Management Issues for Council

No specific issues identified.

Internal / External Consultation

Stakeholder consultation is intended to be undertaken for a minimum period of 28 days after receipt of the gateway determination.

Attachments

1. Planning Proposal - Tatton Pocket Parks.
2. Planning Proposal - Section 117 directions.
3. Attachment A - Site Identification Map, current zoning.
4. Attachment B - Site Identification Map, Proposed new zoning.
5. Attachment C - LZN_004D.
6. Attachment D - Tatton Pocket Park Arrangement.