

PLANNING PROPOSAL

Rezone Lot 34 DP 1061134 to RE1 Public Recreation zone and to reclassify the land from “operational” to “community” land.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

- Item 1: To rezone 49 Fitzroy Street, Tatton (Lot 34 DP 1061134) from R1 General Residential to RE1 Public Recreation. The purpose of this Planning Proposal is to facilitate the return Lot 61 DP 1041446 from Wagga Wagga City Council to the Diocese of Wagga Wagga.
- Item 2: To reclassify Lot 34 DP 1061134 from “operational” to “community” land. This is to facilitate the return of the adjacent Lot 61 DP 1041446 to Diocese of Wagga Wagga, subject to the embellishment of Lot 34 DP1061134.

PART 2 – EXPLANATION OF THE PROVISIONS

- Item 1: Lot 34 DP 1061134 was incorrectly zoned as R1 General Residential as shown in Attachment A, despite it being initially established as a park for local residents. Zoning the land RE1 Public Recreation will correct this error and re-establish it as a park for the local community.

Lot 34 DP 1061134 has an approximate area of 1,273 metres². It is currently located near local amenities (local shopping centre) and other larger RE1 Public Recreation zones. Attachments B and C shows the proposed zone changes from R1 General Residential to RE1 Public Recreation.

Attachment D shows an agreement of understanding between Wagga Wagga City Council and the Diocese of Wagga Wagga. Before Lot 61 DP 1041446 can be returned to the Diocese the adjacent Lot 34 DP 1061134 must be rezoned from R1 General Residential to RE1 Public Recreation and the Diocese is required to embellish the lot to the satisfaction of the Manager of Parks and Recreation for Wagga Wagga City Council.

- Item 2: The reclassification will require an amendment to the Wagga Wagga Local Environmental Plan 2010 by removing the words ‘and Lot 34 DP 1061134’ from Part 2, Column 2 of Schedule 4. The amendment will also include the following in Part 3 of Schedule 4:

Part 3 Land classified, or reclassified, as community land

Column 1

Locality

Fitzroy Street Park,
Wagga Wagga

Column 2

Description

Lot 34 DP 1061134

The reclassification process states that in the event that “operational” land is to be reclassified to “community” land, no public hearing is required under the *Local Government Act 1993*.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The items subject to this Planning Proposal have not been subject to specific strategic studies or reports.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Council's Local Environmental Plan Schedule 4 lists both Lot 34 DP 1061134 and the adjoining Lot 61 DP 1041446 as "Operational Land – interests changed". Both lots were dedicated in subdivision to Wagga Wagga City Council by the Diocese of Wagga Wagga with the intention for Council to return Lot 61 DP 1041446 if it was surplus to open space provisions for the area. Attachment D states that during the Draft LEP phase, these lands were indeed identified as surplus open space.

According to Attachment D, in order for the land to be returned to the Diocese, the adjacent Lot 34 DP 1061134 must be embellished by the Diocese and established as a park while Lot 61 DP 1041446 is to be returned to the Diocese at no expense.

3. Is there a net community benefit?

Yes. This correction will ensure that the land in question (Lot 34 DP 1061134) will remain a dedicated park for the local Tatton community, subject to embellishment. While Lot 61 DP 1041446 will be eventually be returned to the Diocese, following this embellishment.

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There are no applicable regional or sub-regional strategies applying to the Wagga Wagga LGA.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

All elements of the Planning Proposal are consistent with the Wagga Wagga Community Strategic Plan 2011-2021.

All elements of the Planning Proposal are consistent with the Wagga Wagga Spatial Plan 2008.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent with relevant state environmental planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The Planning Proposal is consistent with Section 117 Directions. Details of applicable Directions are appended. The following Ministerial Directions are of particular relevance:

Direction 2.1 – Environment Protection Zones

Both items are consistent with this direction.

Direction 2.3 – Heritage Conservation

Both items are consistent with this direction.

Direction 3.1 – Residential Zones

Item 1 is inconsistent with this direction. The Proposal seeks to rezone a residential lot to a public reserve. Despite this, the area is currently being used as a public reserve.

Due to the size of the area and it presently being used as a public reserve, the inconsistency is considered of minor significance. The rezoning of the R1 General Residential zone to RE1 Public Recreation will provide local residents with open space to service the local area and to correct a zoning error.

Direction 4.3 – Flood Prone Land

Both items are consistent with this direction.

Direction 4.4 – Planning for Bushfire Protection

Both items are consistent with this direction.

Direction 6.2 – Reserving Land for Public Purposes

Both items 1 and 2 are inconsistent with this direction. The Proposal advocates creating a new RE1 Public Recreation zone in a residential area. This land is not subject to a Ministerial request to reserve the land for a public purpose. Council currently owns Lot 34 DP 1061134 and it is classified as “operational land – interests changed” in Schedule 4 of the Wagga Wagga Local Environmental Plan 2010. This, under the *Local Government Act 1993*, allows Council as the owner of the land, to dispose of the land in question.

This inconsistency is of minor significance as Lot 34 DP 1061134 is already established as a park and requires only a small amount of embellishment. By logical extension, the rezoning would ensure that the land remains as public open space for the local community.

Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No information on Council records indicates that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other known environmental effects that could arise from the Planning Proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The rezoning of Lot 34 DP 1061134 from R1 General Residential to RE1 Public Recreation is expected to provide the Tatton local residents with more open space.

It is expected that there will be no negative economic effects as a result of this proposal. The agreement referred to in the Planning Proposal will allow the Diocese of Wagga Wagga to derive greatest benefit from the land once dedicated by it to Council and for the Tatton community.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Yes. The Planning Proposal does not alter the public infrastructure requirements for the Tatton local area or its surrounds. The required embellishment will be undertaken by the Diocese of Wagga Wagga and not by Wagga Wagga City Council.

There are no significant public infrastructure costs associated with the Planning Proposal.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No State or Commonwealth public authorities have been consulted in the process of preparing this Planning Proposal.

PART 4 – COMMUNITY CONSULTATION

Any further requirements for community consultation will remain at the discretion of the Department of Planning and Infrastructure as allowed for at the time of gateway determination.