

PLANNING PROPOSAL

Reclassification of Public Land and Rezoning of part of Lot 10 DP 1017384 and Lot 10 DP 1165096 from RE1 Public Recreation to B2 Local Centre

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Item1: To reclassify part of Bourke Street Open Space known as part of Lot 10 DP 1017384 from “Community land” to “Operational land – no interests changed”. To rezone this land and part of the adjoining Lot 10 DP 1165096 from RE1 Public Recreation to B2 Local Centre zone to allow for this land to be developed for a neighbourhood shopping centre and adequately serve the day to day needs of the Bourkelands community and surrounding areas. The adjoining Lot 10 DP 1165096 is not Council owned, it is owned by Bourkelands Pty Ltd and is therefore not the subject of a reclassification.

Please note that the adjoining B1 Neighbourhood Centre zone is the subject of a separate proposal to rezone the land from B1 Neighbourhood Centre to B2 Local Centre which is in accordance with the approved Development Application.

Item 2: To reclassify Lot 20 DP 22260 known as the PCYC Bike Training Track on Spring Street from “Community land” to “Operational land” – no interests changed.

Item 3: To reclassify Lot 4 DP 1012605 known as the Edward Street Drainage Reserve from “Community land” to “Operational land” – no interests changed.

Item 4: Reclassify Lot 16 DP835763 from “Community Land” to “Operational Land” – no interests changed, being land on Red Hill Road to facilitate the sale of land to an adjoining school. The land is currently being leased by the adjoining school.

Item 5: Reclassify Lot 1 DP 805848 and Lot 2 DP 805848 known as the Boorooma Street Road Verge from “Community Land” to “Operational Land” – no interests changed.

PART 2 – EXPLANATION OF THE PROVISIONS

This Planning Proposal seeks to reclassify part of Lot 10 DP 1017384 from “Community” to “Operational” land – no interests changed and to rezone this land and part of Lot 10 DP 1165096 to B2 Local Centre zone. It also seeks to reclassify Lot 20 DP 22260, Lot 4 DP 1012605 and Lots 1 & 2 DP 805848 from “Community” to “Operational” land – no interests changed.

The reclassification will require an amendment to the Wagga Wagga Local Environmental Plan 2010 by including the following in Part 1 of Schedule 4:

Column 1**Locality**

Part of Bourke Street open space

PCYC Bike Training Track

Edward Street Drainage Reserve

Land at Red Hill Road

Boorooma Street Road Verge

Column 2**Description**

part of Lot 10 DP 1017384

Lot 20 DP 22260

Lot 4 DP 1012605

Lot 16 DP 835763

Lot 1 DP 805848 and
Lot 2 DP 805848

Attachment A addresses the Director General's requirements for the justification of reclassification of public land.

Item 1 includes both reclassification and a rezoning; which will require a change in the Land Zoning Map (Refer to Site Identification Maps for 004D). Part of Lot 10 DP 1017384 and part of Lot 10 DP 1165096 is to be rezoned from RE1 Public Recreation to B2 Local Centre. The total area required to be rezoned is 1,611.862784 square metres, it is to be utilised as part of the car park for the proposed shopping centre. The adjoining Lot 10 DP 1165096 is not Council owned, it is owned by Bourkelands Pty Ltd.

All of these reclassification sites are not subject to a minimum lot size, therefore no changes to the Minimum Lot Size maps are required.

PART 3 – JUSTIFICATION**Section A – Need for the planning proposal****1. Is the planning proposal a result of any strategic study or report?**

Item 1: No. Item 1 of the planning proposal is the result of the comprehensive assessment of Development Application DA07/1097 for a neighbourhood shopping centre of which the land to be reclassified formed part of the development site. The assessment report (provided as Attachment B) recommended that the Council issue deferred commencement consent subject to conditions. Council granted consent to DA07/1097 on 8 June 2007 with the commencement of that consent subject to the reclassification of the subject land.

Item 2: No. Item 2 (shown in Site Identification Maps for 003C) is the result of a previous Council Resolution resolving to reclassify the Council owned land (Lot 20 DP 22260) to facilitate the sale of the land to the local PCYC organisation. Since then the land has been established as a local bike training track consistent with the current RE1 zoning provisions for the site.

Item 3: No. Item 3 (shown in Site Identification Maps for 003C) is the result of a resolution of internal discussions with Council staff regarding a „best-fit“ approach to the classification of item 3. This item is presently used as a drainage reserve, whilst it is “Community” land in essence it is not utilised by the community in any other way as it is remote from residential areas. The definition of “Operational” Land is land held as a temporary asset or as an

investment, land which facilitates the carrying out by a council of its function, or land which may not be open to the general public. By this logical extension this site is more closely aligned with “Operational” land than with “Community”.

Item 4: No. With regard to Item 4 (shown in Site Identification Maps for 004D) Council has entered into a licence agreement with the school for use of the land until such time as the land is reclassified and sale can occur.

Item 5: No. Item 5 (shown in Site Identification Maps for 003B) of the planning proposal is the result of the comprehensive assessment of Development Application DA10/0515 for a neighbourhood shopping centre of which the land to be reclassified formed part of the development site. The assessment report (provided as Attachment C) recommended that the Diocese of Wagga Wagga dedicate Lots 1 & 2 DP 805848 to form part of a 20 metre road buffer reserve for the purposes of road widening. This 20 metre buffer was later deemed to be too excessive and unnecessary and it was agreed that the Lots 1 & 2 would be returned to the Diocese on this basis. This reclassification will facilitate the return of both lots to the Diocese.

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

Item 1: Yes. The Planning Proposal is the best means of achieving a neighbourhood shopping centre of an adequate scale and design to meet the day to day needs of the Bourkelands community and surrounding areas.

Item 2: Yes. The Planning Proposal will help to facilitate the sale of Lot 20 DP 22260 to the local PCYC. Furthermore as this land is already established as a bike training track it no longer serves a “Community” purpose, instead it serves a specific function as a “Operational” bike training track.

Item 3: Yes. Reclassifying item 3 to “Operational” land will align more closely with the land’s current usage.

Item 4: Yes. The Planning Proposal is the only means to allow the subject land to be reclassified to become Operational land. The land currently supports infrastructure associated with the Wagga Wagga Lutheran School. Council has entered into a licence agreement with the school for use of the land until such time as the land is reclassified and sale can occur. Although there is an easement for a transmission line on the land, this interest will not be changed as a result of this reclassification.

Item 5: Yes. The Planning Proposal is the only means to allow the subject land to be reclassified to become Operational land. Although the land was dedicated as a road reserve it was later deemed that the proposed 20 metre buffer was considered excessive and therefore unnecessary. This proposal is to facilitate the return of this land to the Diocese.

3. Is there a net community benefit?

Item 1 of the planning proposal will provide a net community development through the realisation of the proposed Bourkelands Neighbourhood Shopping Centre as approved

under DA07/1097. The assessment report for DA07/1097 (provided as Attachment B) provides specific details of the benefits of the development to the community.

Since there are no other rezonings attached to this proposal all other items will achieve a net community benefit as they will not result in increased costs to the community or to Council. The potential sale of Lot 20 DP 22260 will provide local residents with a bike training track at no cost to Council or the Community.

The proposed reclassification of item 4 will better reflect the current and longer term use of the land by the school, and will facilitate the land's sale to the primary user.

While item 5 will facilitate the return of land to the Diocese of Wagga Wagga.

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 and the Wagga Wagga Spatial Plan 2008.

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

The Planning Proposal is consistent with all relevant state environmental planning policies. It is also consistent with the State Environmental Planning Policy No 55 Remediation of Land and State Environmental Planning Policy (Infrastructure) 2007.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

Evidence (site inspections, aerial photos, etc) indicates that the sites have not contained any activities that are identified as activities that may cause contamination within Table 1 of the Contaminated Land Planning Guidelines. For the purposes of Clause 7 of SEPP 55, it is satisfied that all of the land is not contaminated and is therefore suitable for the intended use.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 - Traffic-generating development

Item 1 of the Planning Proposal is subject to the provisions of this clause. The application has been referred to the RMS as required. Comments have been received from the RMS identifying that it raises no objection to the development. Whilst no objection is raised, the RMS offers the following suggestions:

- That Council give consideration to the current condition of the intersection between Bourke Street and Bourkelands Drive to ensure that it is of a standard capable of handling expected volumes of traffic. Traffic impacts including the suitability of the surrounding road network are discussed later in this report.
- That Council give consideration to the safety and ease of pedestrian movement to the proposed development. Improvements to pedestrian linkages is discussed later in this report.

The RMS has also offered a series of conditions for Council's consideration for inclusion on any consent. These conditions relate to a broad range of matters including:

- Carparking
- Pedestrian and vehicular access,
- Vehicle circulation and management
- Pedestrian safety
- Bicycle parking
- Trolley storage
- Loading and unloading activities
- Construction management
- Advertising signage

The RMS recommendations will be considered at the time of development assessment of this application.

Clause 104 also requires that Council have regard to:

- *the accessibility of the site concerned, including:*
 - *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- *any potential traffic safety, road congestion or parking implications of the development.*

The development has been sited to provide convenience for residents within Bourkelands and nearby suburbs. The siting of the development on a main entry to Bourkelands will assist in ensuring the efficient movement of people as visitation to the site can occur whilst undertaken multipurpose trips within the city. The location will also assist in the reduction of car use by being closer to residents who can walk/ride to the facility.

The site has been designed to incorporate a loading dock that can accommodate a articulated heavy vehicle. This affords the opportunity for goods to be delivered in bulk including the possible use of freight containers.

The issues of traffic safety, road congestion and parking implications have been addressed satisfactorily and are discussed later in this report.

It is satisfied that the development should be supported having regard to the provisions contained within Clause 104.

There are no other environmental planning instruments that are relevant to the other items contained in this Planning Proposal.

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 1.1 – Business and Industrial Zones

Item 1 is consistent with this direction. The Direction encourages employment growth in suitable locations; protects employment land in business and industrial zones and to support the viability of identified strategic centres. The Direction requires planning proposals to retain the areas and locations of existing business zones and not to reduce the total potential floor space for employment uses and relation public services. This Planning Proposal is consistent with this direction.

All other items contained in this Planning Proposal are consistent with this direction.

Direction 2.1 – Environmental Protection Zones

All items contained in this Planning Proposal are consistent with this direction.

Direction 3.1 – Residential Zones

All items in this Planning Proposal are consistent with this direction.

Direction 4.3 – Flood Prone Land

All items in this Planning Proposal are consistent with this direction.

Direction 4.4 – Planning for Bushfire Protection

All items in this Planning Proposal are consistent with this direction.

Direction 6.1 – Approval and Referral Requirements

All items in this Planning Proposal are consistent with this direction.

Direction 6.2 – Reserving Land for Public Purposes

Item 1 of the Planning Proposal is inconsistent with this direction. This Proposal seeks to rezone land from RE1 to B2. The purpose of the RE1 zone next to the B2 land in Lot 10 DP 1017384 is to act as a buffer between the B2 zone and Bourke Street. However, even if the land is rezoned there will still be enough residual RE1 zone to act as a buffer between the B2 zone and the road. Furthermore, the small amount of RE1 land being rezoned is considered to be cleared of any significant vegetation, which is noted in Attachment B.

In relation to part of Lot 10 DP 1165096 the RE1 zone forms a small part of open space for the local residents. The total RE1 zoned area for this entire lot is 2.358 hectares, out of this only 510 square metres seeks to be rezoned to B2. As mentioned above, the small amount of RE1 land being rezoned is considered to be minimal and to be cleared of any significant vegetation, which is noted in Attachment B.

All other items contained in this Planning Proposal are consistent with this direction.

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?

There is no information from Council records that 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. The subject lands are largely clear of significant vegetation.

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 reclassification and rezoning of part of Lot 10 DP 1017384 is expected to generate employment, providing much needed retail floor space in the area, while servicing the needs of the local community.

Attachment B provides a more detailed report on how social and economic issues will be addressed as part of this reclassification and rezoning of part of Lot 10 DP 1017384 and part of Lot 10 DP 1165096.

Reclassifying items 2 and 3 are not expected to have any negative social or economic effects short or long-term.

The reclassification of land in Item 4 will have the social benefit of enabling the Wagga Wagga Lutheran School to better control its future operations. The change also offers an economic benefit to Council by releasing land for which there is no Council requirement or benefit in retaining.

The reclassification of land in Item 5 is not expected to have any negative social or economic effects short or long-term.

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 Bourkelands area or any other surrounding locality. The existing infrastructure is adequate to serve/meet the needs of this proposal. Furthermore all of the items of the Planning Proposal

do not alter the public infrastructure requirements for any of the other sites or any other surrounding locality. The existing infrastructure is adequate to serve/meet the needs of this 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 at this stage. Council anticipates that the Department of Planning and Infrastructure will issue the appropriate advice as a requirement of the gateway determination.

PART 4 – COMMUNITY CONSULTATION

Council intends to conduct a public hearing relating to the reclassification of part of Lot 10 DP 1017384, Lot 20 DP 22260, Lot 4 DP 1012605, Lot 16 DP 835763, Lot 1 DP 805848 and Lot 2 DP 805848 after the public exhibition of this Planning Proposal. This is in accordance with both the Local Government Act 1993 and the Department of Planning and Infrastructure community consultation requirements.

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.

ATTACHMENT A

Additional Information: Director General's requirements for reclassification of public land

A) Is the Planning proposal the result of any strategic study or report?

Item 1: No. The planning proposal is the result of the comprehensive assessment of Development Application DA07/1097 for a neighbourhood shopping centre of which the land to be reclassified formed part of the development site. The assessment report (provided as Attachment B) recommended that the Council issue a deferred commencement consent subject to conditions. Council granted consent to DA07/1097 on 8 June 2007 with the commencement of that consent subject to the reclassification of the subject land.

Item 2: No. Item 2 is the result of a previous Council Resolution resolving to reclassify the Council owned land (Lot 20 DP 22260) to facilitate the sale of the land to the local PCYC organisation. Since then the land has been established as a local bike training track consistent with the current RE1 zoning provisions for the site.

Item 3: No. Item 3 is the result of a resolution of internal discussions with Council staff regarding a „best-fit“ approach to the classification of item 3.

Item 4: No. The items subject to this Planning Proposal have not been subject to specific strategic studies or reports. The proposed reclassification is to facilitate the sale of land to an adjoining school. The land is currently being leased by the adjoining school. Council has entered into a licence agreement with the school for use of the land until such time as the land is reclassified and sale can occur.

Item 5: No. The planning proposal is the result of the comprehensive assessment of Development Application DA10/0515 for a neighbourhood shopping centre of which the land to be reclassified formed part of the development site. The assessment report (provided as Attachment C) recommended that the Council issue a deferred commencement consent subject to conditions. Council granted consent to DA10/0515 on 8 June 2007 with the commencement of that consent subject to the reclassification of the subject land.

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

All items of the Planning Proposal are consistent with the Wagga Wagga Community Strategic Plan 2011-2021 and the Wagga Wagga Spatial Plan 2008.

C) If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

All interests in the subject land will be retained.

D) The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Wagga Wagga City Council is the owner of Lot 10 DP 1017384, Lot 20 DP 22260, Lot 4 DP 1012605, Lot 16 DP 835763, Lot 1 DP 805848 and Lot 2 DP 805848.