

**RP-2 PLANNING PROPOSAL TO RECLASSIFY SIX COUNCIL OWNED
SITES AND TO REZONE PART OF LOT 10 DP 1017384 AND LOT
LOT 10 DP 1165096 FROM RE1 PUBLIC RECREATION TO B2
LOCAL CENTRE**

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Recommendation

That Council:

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

Report

Background

Due to the large number of sites being proposed for reclassification and for rezoning each of the items contained in the Planning Proposal (attached to this report) have their own individual background:

Item 1: The reclassification of this site is the result of a Development Application submitted and approved by Council on 4 May 2011 for the Bourkelands Shopping Centre. The condition of consent required part of Lot 10 DP 1017384 to be reclassified and rezoned from RE1 Public Recreation to B2 Local Centre.

The adjoining Lot 10 DP 1165096 is also proposed to be rezoned in accordance with the consent from RE1 Public Recreation to B2 Local Centre. Lot 10 DP 1165096 is not the subject of a reclassification as Council does not own this land, it is in private ownership.

Item 2: The reclassification of Lot 20 DP 22260 was the result of a previous Council resolution that was up until now never acted upon. This is now the site of the current PCYC Bike Training Track.

During the exhibition period of the Wagga Wagga Local Environmental Plan 2010, no public hearing was conducted in order to reclassify this land. The reclassification was to facilitate the sale of the land to the local PCYC organisation. Since that time the land has been developed as a bike training track. This use is consistent with the Wagga Wagga Local Environmental Plan 2010.

- Item 3:** The reclassification of Lot 76 DP 583354 (Bomen Hill on Bomen Road) was also the result of a previous Council resolution that was never acted upon and was not raised during the making of the WWLEP 2010. Prior to the making of the WWLEP 2010, Council staff at the time agreed to have the subject site reclassified from “Community” to “Operational” land on the basis that the site was no longer being used as recreation. As the land was never established as a recreation area at any stage, the land will be reclassified as “Operational – no interests changed” rather than “Community”.
- Item 4:** This reclassification item forms part of the Edward Street Drainage Reserve (Lot 4 DP 1012605) and is the result of an internal staff meeting which occurred on 8 December 2011. It was agreed at this meeting that the reclassification of this site would acknowledge the current use of the land. Currently, this item is used as a drainage reserve, whilst it is “Community” land in essence it is not utilised by the community in any way. 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. This site is more closely aligned with “Operational” land than with “Community”.
- Item 5:** Lot 16 DP 835763 is part of the Red Hill Road buffer adjoining the Wagga Wagga Lutheran School. Although 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.
- There is an easement for a transmission line on the land; this interest will not be changed as a result of this reclassification.
- Item 6:** The reclassification of this site is the result of a Development Application submitted and approved by Council on 10 March 2011 for the Estella Shopping Centre. The condition of consent required Lot 1 DP 805848 and Lot 2 DP 805848 to be dedicated for the purpose of road widening. The 20 metre road buffer was later deemed to be excessive and unnecessary and it was agreed that the Lots 1 & 2 would be returned to the Diocese on this basis.

Planning Proposal

The elements of the attached Planning Proposal are described below:

- 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 76 DP 583354 known as Bomen Hill on Bomen Road from “Community land” to “Operational land” – no interests changed.
- Item 4:** To reclassify Lot 4 DP 1012605 known as the Edward Street Drainage Reserve from “Community land” to “Operational land” – no interests changed.
- Item 5:** 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 6:** 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.

In Item 1, although the adjoining Lot 10 DP 1165096 is zoned as RE1 Public Recreation it is not owned by Council it is in private ownership. It is therefore not the subject of a reclassification it is part of the rezoning from RE1 Public Recreation to B2 Local Centre.

Note as these sites are seeking to be reclassified from “Community” to “Operational” Land in accordance with the *Local Government Act 1993*, Council must hold a public hearing before the land can be reclassified.

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

5. A prosperous, diverse and growing economy

5.1 Stimulate prosperity through economic development strategies

QBL Analysis

	Positive	Negative
Social	The rezoning aspect of the proposal will provide additional jobs and growth opportunities.	N/A
Environmental	The proposal will allow for better management of Council's Environmental Assets.	The loss of part of the RE1 buffer between Bourke Street and residential and will be minimal as there is still an adequate buffer between residential and retail activity.
Economic	The reclassifications will allow Council to dispose of temporary assets while maintaining environmental amenity.	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.

In accordance with the *Local Government Act 1993*, Council when reclassifying land from "Community" to "Operational" Land will be required to have a public hearing.

Attachments

1. 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 (includes Attachment A)
2. Planning Proposal - Section 117 directions
3. Attachment B - Assessment of DA07/1097
4. Attachment C - Assessment of DA10/0515
5. Site ID Map - 003B
6. Site ID Map - 003C
7. Site ID Map - 003E
8. Site ID Map - 004D (includes proposed rezoning of part of Lot 10 DP 1017384 and Lot 10 DP 1165096)

