



IRF24/227

## Gateway determination report – PP-2023-1069

Reclassify land at Red Hill Road, Tolland from community to operational land

April 24

Published by NSW Department of Planning, Housing and Infrastructure

[dpie.nsw.gov.au](https://dpie.nsw.gov.au)

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal May 2023– Salvestro Planning prepared for T. Balding
Scoping Proposal, Written Advice to Applicant - Wagga Wagga City Council
Meeting of Council – Monday 29 <sup>th</sup> January 2024
Council resolution – 29 <sup>th</sup> January 2024
Wagga Wagga Local Strategic Planning Statement 2040 (LSPS)
Biodiversity Strategy: Maldangilnha 2020-2030
Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Wagga Wagga LGA
<b>PPA</b>	Wagga Wagga City Council
<b>NAME</b>	Reclassify part of the lot from Community land to Operational land.
<b>NUMBER</b>	PP-2023-1069
<b>LEP TO BE AMENDED</b>	Wagga Wagga LEP 2010
<b>ADDRESS</b>	Red Hill Road, Tolland, NSW 2650
<b>DESCRIPTION</b>	Part Lot 12 DP 1187387
<b>RECEIVED</b>	1/02/2024
<b>FILE NO.</b>	IRF 24/227
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal
<b>MAP ONLY/PCO ONLY/PCO &amp; MAPS</b>	PCO & MAPs

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal, however it will need to be updated to reflect the rezoning being undertaken through another State-led planning process rather than this planning proposal.

The proposal seeks to reclassify the land from Community to Operational Land.

## 1.3 Explanation of provisions

To facilitate the amendment, Schedule 4 of the Wagga Wagga LEP 2010 will be amended to include the subject land in Part 1 and update Map Sheet RPL\_004D.

The planning proposal seeks to amend the Wagga Wagga LEP 2010 to reclassify the land from Community to Operational Land.

Once amended, the planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The subject land, in the Wagga Wagga LGA, is located to the north of Red Hill Road Tolland and east of Glenfield Road Tolland, with access via two cul-de-sacs, Bowen Place Tolland and Boyd Place, Tolland (see Figures 1 & 2).

The subject land, Lot 12 DP1187387, is a Council owned land and is currently zoned RE1 Public Recreation. It is classified as Community Land. The lot currently acts as a greenspace/ road verge and provides pedestrian access to the adjoining cul-de-sacs with an informal unpaved track (see Figure 3).



**Figure 1 Subject site Lot 12 DP1187387 (source: Planning Proposal)**



**Figure 2 Subject Site context (source: Planning Proposal)**





Figure 3 Aerial photo (source: Nearmap February 2023)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land classification maps, which are suitable for community consultation.

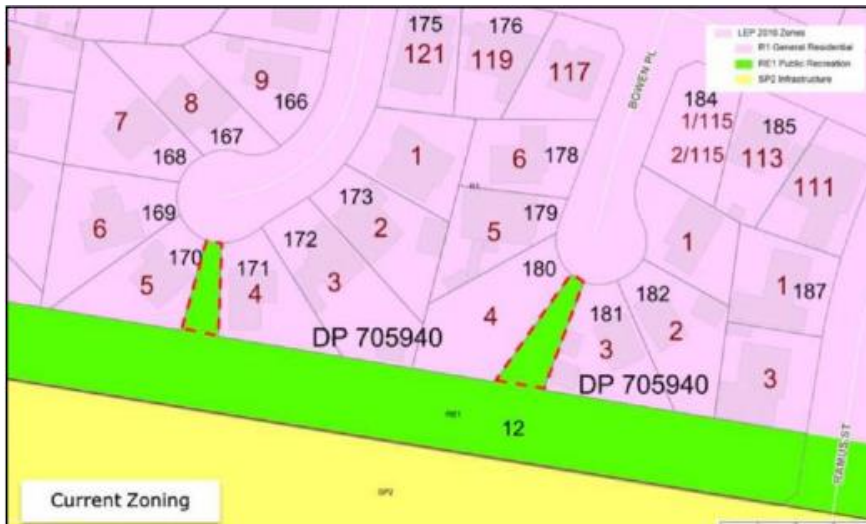


Figure 4 Current zoning map (source: Planning Proposal)



**Figure 5 Current land classification (source: Planning Proposal)**



**Figure 6 Proposed land classification (source: Planning Proposal)**

## 1.6 Background

The subject land, being part Lot 12 DP1187387, is Council owned land and acts as a road verge/greenspace with informal/unpaved pedestrian access to Bowen Place and Boyd Place, two cul-de-sacs north of Red Hill Road, Tolland.

The subject land is included in a State Assessed Planning Proposal (SAPP, Tolland Estate, Wagga Wagga) currently under assessment, which seeks to renew and improve the estate by providing a range of housing tenures, new community facilities, roads and parks. Confirmation has been received that the reclassification of the subject land cannot be included in the SAPP process and a separate planning proposal is required. Therefore, the rezoning component of this planning proposal is no longer required as it will be rezoned in the wider State-led planning process.

The proposal to reclassify the land is supported by Council as it demonstrates strategic merit and will enable more efficient planning and use of Council assets.

## 2 Need for planning proposal

The planning proposal is consistent with the strategic directions of the [Riverina Murray Regional Plan 2041](#) as well as the [Wagga Wagga Local Strategic Planning Statement](#).

The planning proposal states it is the best means of enabling the land for to be available for potential development for housing.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal is consistent with the Riverina Murray Regional Plan 2041.

### 3.2 Local

The following local strategic plans have been considered and are relevant to the planning proposal:

- Wagga Wagga Local Strategic Planning Statement 2040 (LSPS)
- Biodiversity Strategy: Maldangilnha 2020-2030
- Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040

The following table provides an assessment of the planning proposal against relevant Planning Priorities of the Wagga Wagga Local Strategic Planning Statement 2040

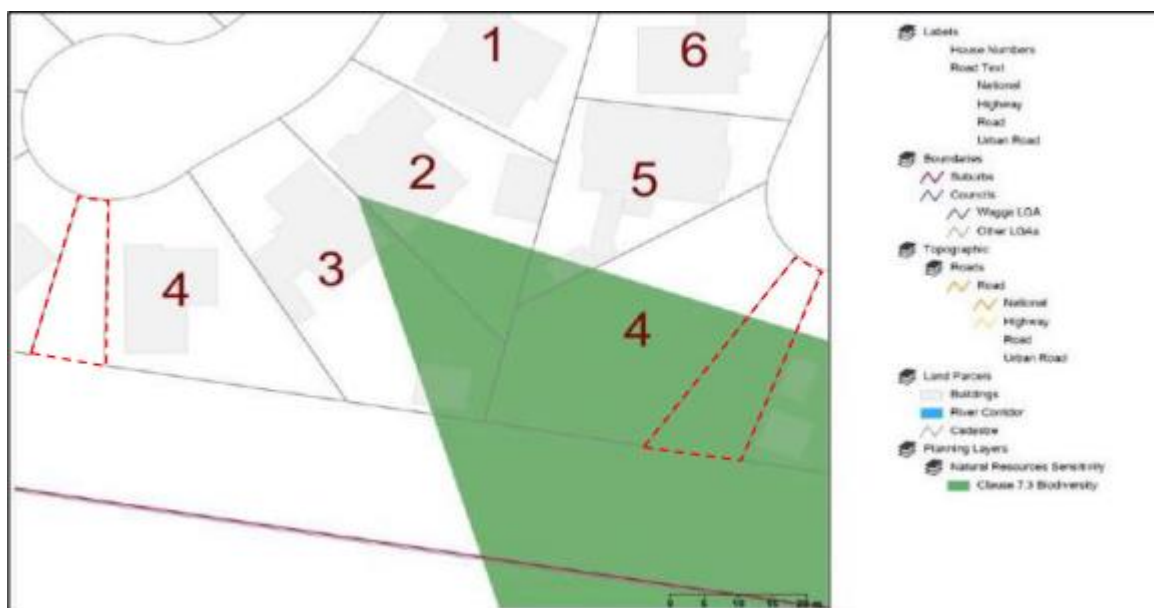
**Table 3 Wagga Wagga Local Strategic Planning Statement 2040**

Local Strategies	Justification
Principle 2: Increase resilience to natural hazards and land constraints	The proposal is in line with principle 2 as it is not located on bushfire prone land, land mapped as flood prone land or known contaminated land.
Principle 3: Manage growth sustainably	The reclassification of the land may eventually result in a small increase to housing choice and additional housing to the area. It is located within an established residential area and is near existing services and infrastructure.
Principle 7: Growth is supported by sustainable infrastructure	The proposal has access to established infrastructure.

#### **Biodiversity Strategy: Maldangilnha 2020-2030**

The proposed site is partially mapped as terrestrial biodiversity (Figure 8). However, written advice from Council, dated 17th January 2023, states the Council considers the biodiversity impacts to the site minimal and with no further consideration at this stage.





**Figure 8 Biodiversity map (source: Planning Proposal)**

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The planning proposal is consistent with regional plans and is therefore consistent with the direction.
1.3 Approval and Referral Requirements	Yes	The planning proposal does not introduce any unnecessary provisions to the development assessment process and is therefore consistent with the direction.
1.4 Site Specific Provisions	Yes	The planning proposal does not involve unnecessarily restrictive site specific planning controls and is therefore consistent with the direction.
3.1 Conservation Zones	Yes	The planning proposal will not reduce the conservation standards on the mapped site and is therefore consistent with the direction.
5.2 Reserving Land for Public Purposes	Yes	The planning proposal will not alter land for public purposes without the approval of the relevant public authority and is therefore consistent with the direction.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with the following relevant SEPPs:

- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

## 4 Site-specific assessment

There are no direct social, economic, environmental and infrastructure impacts associated with the reclassification of the subject land from community to operational land. Any potential impacts that result from amending the zoning or development outcomes on the subject land would be addressed in other planning processes.

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

LEP practice note PN 16-001 requires a public hearing to be held in accordance with section 29 of the Local Government Act 1993 and section 3.34(2)(e) of the Environmental Planning and Assessment Act 1979.

### 5.2 Agencies

Council did not specifically raise which agencies will be consulted. Agency consultation is not required given the minor and administrative nature of the planning proposal.

### 5.3 Governor's Approval

It is noted that the Governor's approval is required when a reclassification proposal seeks to remove any public reserve status and/or discharge any interests affecting public land (section 30 of the Local Government Act 1993). This is not applicable to the planning proposal as there will be no public reserve status discharged or change to interests affecting the land.

## 6 Timeframe

Council proposes approximately 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 6 February 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the site/planning proposal is of minor significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

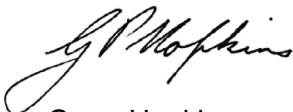
The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to remove the references to (and assessment of) the rezoning the subject land and include a project timeline consistent with the Gateway determination.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Council is to ensure that all adjoining landowners are notified of the planning proposal exhibition.
4. The LEP amendment is to be completed on or before 6 February 2025.
5. A public hearing is required in accordance with section 29 of the Local Government Act 1993 and section 3.34(2)(e) of the Environmental Planning and Assessment Act 1979.
6. Given the nature of the planning proposal, Council is authorised to be the local plan-making authority.



12 April 2024

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16 April 2024

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