

REPORTS FROM STAFF

RP-1 LEP25/0002 - HOUSEKEEPING AMENDMENT - LAND RESERVATION ACQUISITION MAPS

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Summary:

A planning proposal has been prepared to update the 'Land Reservation Acquisition' maps in the Wagga Wagga Local Environmental Plan 2010.

The current maps contain properties that are identified for acquisition but require review because the properties:

- have been acquired by Council
- have been dedicated to Council
- are no longer required for operational needs following a review of remaining identified properties.

Recommendation

That Council:

- a endorse planning proposal LEP25/0002 to amend the Wagga Wagga Local Environmental Plan 2010, 'Land Reservation Acquisition' maps
- b write to the Department of Planning, Housing and Infrastructure (DPHI) requesting a gateway determination under s3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979)
- c on receipt of a Gateway Determination under section 3.34 of the EP&A Act 1979, Council enact all the requirements of the Gateway Determination and requirements of Schedule 1, clause 4 of the EP&A Act 1979
- d delegate authority to the General Manager or their delegate of all functions under Section 3.36 of the EP&A Act 1979 to make the local environmental plan and put into effect the planning proposal
- e delegate authority to the General Manager or their delegate to make any variations to the planning proposal, to correct any drafting errors or anomalies to ensure consistency with the Gateway Determination or to address any other matter that may arise during the amendment process
- f should no objections be received, furnishes a copy of this report and other relevant information to the NSW Department of Planning, Housing and Infrastructure and/or NSW Parliamentary Counsels Office, in accordance with the EP&A Act 1979, and requests the Minister for Planning (or a delegate on their behalf) undertake the appropriate actions to secure the making of the amendment to the WLEP 2010

Report

The Wagga Wagga Local Environmental Plan 2010 (LEP) includes various sets of legislated maps, which correspond to specific LEP clauses and assist with the implementation of the LEP. One of these map series identifies land for acquisition by

Council or other authorities ('Land Reservation Acquisition' (LRA) maps). There are six maps in this series.

The maps identify specific portions of land (whether whole or part lots) to be acquired. Acquisition may be for a variety of reasons, including for uses such as open space and infrastructure. Since the maps were last updated, Council has acquired land, been dedicated land, and has reviewed its operational requirements and determined that whilst previously identified the land is no longer required.

The review of the acquisition maps identified that the current LRA maps contain outdated acquisition information. For example, land at Copland St, East Wagga Wagga is identified for acquisition for open space purposes; however, this land is now surplus to open space planning requirements and is recommended to be removed from the LRA mapping.

A planning proposal is required to update the LRA maps as they form part of the statutory LEP instrument. A draft planning proposal has been prepared to amend the LEP (**Attachment 1**). The Planning Proposal seeks to remove 20 lots/part lots and retain 14 lots/parts within the maps. These lots are proposed to be removed from the LRA map as:

- The land has already been acquired by, or dedicated to, Council.
- The land is no longer required for public purposes.

Overall, the planning proposal seeks to remove approximately 20 areas identified for acquisition and retain 14 areas for acquisition.

It is critical to update the Land Reservation Acquisition maps to ensure they are accurate – this provides Council, industry, and community with a clear understanding of where land in the LGA has been identified for acquisition by Council or other government authorities.

Financial Implications

The planning proposal may create an economic impact for Council, as Council will be expected to acquire the remaining land parcels. However, no additional parcels have been identified that have not already been considered by Council in terms of likely financial impacts.

Land that was to be acquired by Council but is now surplus to operational requirements and therefore being removed from the Land Reservation Acquisition maps should result in reduced costs to Council (as Council will no longer be required to acquire the land).

Policy and Legislation

Environmental Planning and Assessment Act 1979
Land Acquisition (Just Terms Compensation) Act 1991
Local Government Act 1993

Link to Strategic Plan

Regional Leadership

Good governance

Provide professional, innovative, accessible and efficient services.

Risk Management Issues for Council

An outdated Land Reservation Acquisition map series creates risks for Council. It may result in Council being required to acquire land that is no longer required for operational or community purposes. It may also make it more difficult for Council to acquire land for appropriate purposes, if the land is not clearly identified. Undertaking the proposed housekeeping amendments to correct the Land Reservation Acquisition map series mitigates these risks.

Council risks potential risks of 'hardship claims' under the Land Acquisition (Just Terms Compensation) Act in relation to land that is identified by Council have not acquired.

Internal / External Consultation

To prepare the planning proposal, Strategic Planning consulted with relevant Council directorates to ensure operational needs were considered and achieved.

The planning proposal, if granted Gateway Determination, would be placed on public exhibition. The table below identifies the likely activities that would be undertaken during that public exhibition period. These activities are subject to change, depending on the requirements set by the Department of Planning, Housing and Infrastructure through the Gateway Determination.

	Mail			Traditional Media			Community Engagement				Digital					
	Rates notices insert	Direct mail	Letterbox drop	Council news	Media release	Media opportunity	TV/radio advertising	One-on-one meeting(s)	Community meeting(s)	Stakeholder workshop(s)	Drop-in session(s)	Survey/feedback form(s)	Have your Say	Email newsletter	Social media	Website
Inform				☒									☒			
Consult				☒									☒			
Other methods (please list specific details below)																

Attachments

1. [Draft Planning Proposal - Land Reservation Acquisition Map Review](#)