

Planning Proposal Assessment Report

APPLICATION DETAILS

Application No:	LEP23/0001 PP-2023-1069
Date of Lodgement by Council:	29 June 2023
Applicant:	Mr Tony Balding
Proposal Summary:	To rezone part Lot 12, DP1187387 from RE1 Public Recreation to R1 General Residential, and reclassify the land from community land to operational land.
Land Owner	Wagga Wagga City Council - Red Hill Rd TOLLAND NSW 2650; Lot 12, DP 1187387
Assessment Officer:	Siobhan Nielsen
Recommendation:	The Planning Proposal be submitted to the Department of Planning and Environment for Gateway Determination

SITE AND LOCATION

Subject Land:	Part Lot 12, DP 1187387 Red Hill Road, Tolland, NSW 2650
Current LEP Provisions:	Land Zoning: RE1 – Public Recreation Minimum Lot Size: N/A
Current DCP Provisions	N/A
Existing Character:	Part of a Council owned parcel that functions as open space corridor. The identified sites are each utilised as laneways between the cul-de-sacs and the open space corridor.



Figure 1: Aerial view of the subject land. Source: Sixmaps.

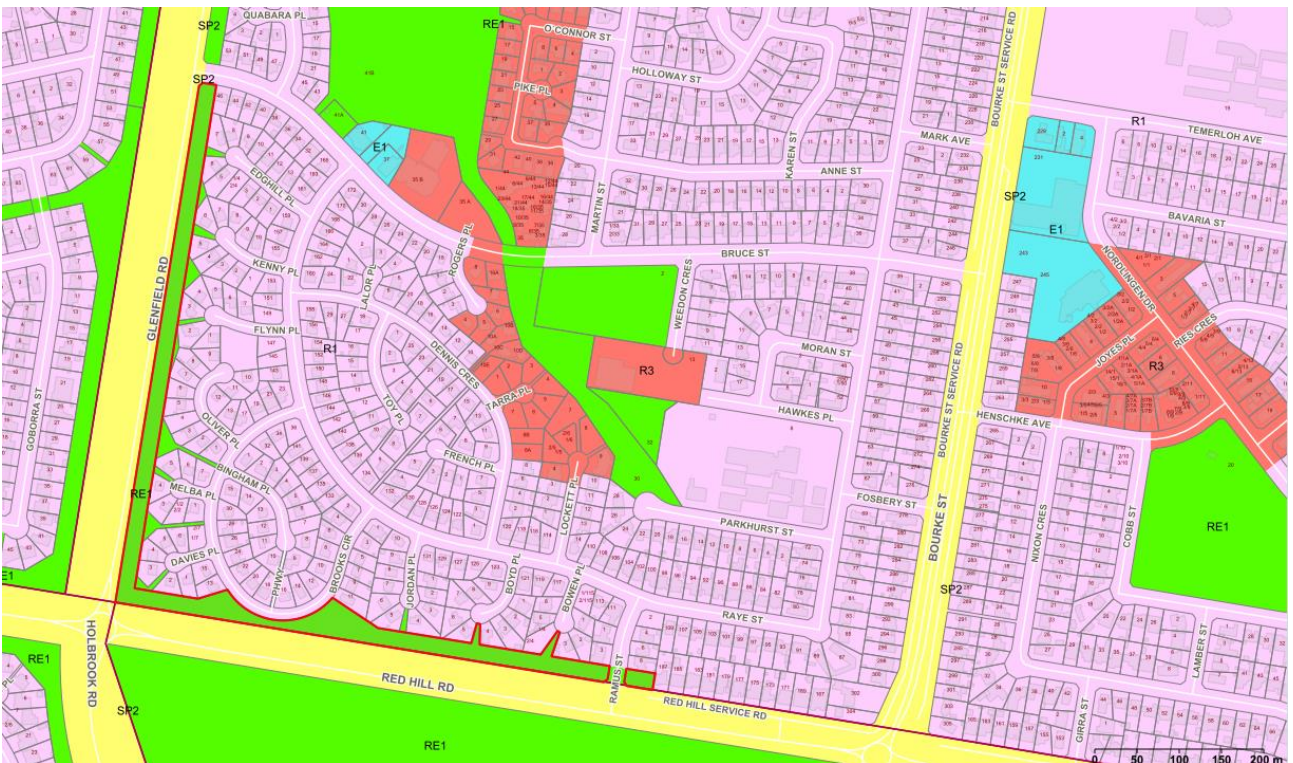


Figure 2: Zoning of the site and surrounds. Source- Council's Intramaps

Site and Locality

Council owns the proposed land. The subject sites are parts of this Council land. The sites are approximately 265m² (Bowen Place) and 171m² (Boyd Place). They are located approximately 6.3km south of the CBD (11 minutes drive). They are recreational in nature and are utilised as laneways between the cul-de-sac and the active travel path.

The existing parcel is zoned RE1 Public Recreation and is an open space corridor which functions to complement the active travel path. The character of the local area is largely low density urban and comprises a mix of social housing and private housing. R1 General Residential zoning exists to the north of the site, with SP2 Infrastructure zoning to the south. The site adjoins Red Hill Road to the south, and there is an active travel path that runs parallel. Jubilee Park is situated to the south of Red Hill Road.

History of Site

In 1980, Lot 2 DP 612211 was created for the purpose of acquisition for housing. This Lot was subsequently subdivided in further in 1984 to create Lot 323 DP705940. The current title Lot 12 DP 1187387 was created by registration of a plan of acquisition in 2013. This plan facilitated the acquisition of a number of parcels of land from the land dedicated to Council (Lot 323 DP 705940). The parcels of land created by this plan of acquisition were then acquired from Council by Department of Housing and are similar in nature to the two parts of Lot 12, DP1187387 being considered by this proposal.

A Council records search was carried out. Council resolutions 12/158 dated 28 May 2012 and 13/017 dated 29 January 2013 indicate that in 2012 Council endorsed the NSW Government Department of Finance and Services' request to compulsorily acquire land from Council, as part of the Design Out Crime project. From all available information it is considered likely that the reason for the exclusion of Boyd and Bowen Place laneways was due to land ownership of adjacent properties at the time being in private ownership rather than in NSW Land and Housing Corporation (LAHC)'s ownership.

Extract from report submitted to the Ordinary Meeting of Council Tuesday 28 January 2013:

The Design Out Crime is a multi-stakeholder project focusing on crime prevention strategies for the Tolland Neighbourhood and is being conducted in conjunction with Attorney Generals and Justice and the Department of Family and Community Services (formerly Housing NSW). This responds directly to crime statistics and issues that have been identified as part of the crime prevention audits conducted during 2011. This project seeks to change the environmental design of the neighbourhood which will reduce opportunities for crime and increase community safety and wellbeing. This supports objectives as part of the Housing NSW Regeneration Partnership Plan and Council's Community Social Plan 2009 – 2013.

Extract from report submitted to the Ordinary Meeting of Council Monday 28 May 2012:

Crime Prevention

From a crime prevention perspective, the creation of pedestrian pathways (whether intentional or otherwise) that cut-through a site or street, usually increases the risk of crime and nuisance behaviour on that pathway. This is based on the concept that crime happens on pathways and at activity nodes where there is a presence of high-risk populations. Under most circumstances, these pathways will naturally have higher levels of crime and nuisance. In this way, the action of laneway closures that have a range of undesirable features or are places of anti-social behaviour fit as part of a broader strategy of crime prevention and support the objectives of the Design Out Crime project in Tolland.

Residences affected by Crime as identified by Wagga Local Area Command

Recent Police statistics support the area for closures revealing the between 2010 and 2011, crime increased by 31.25%, theft by 37% and stolen vehicle crime by 100%. Dwellings situated near the alleys and laneways are more likely to become a victim of crime and Police NSW report that offenders use the laneways and alleyways as a quick means of escape after an offence is committed. Police also believe that offenders are known to park their vehicles outside Glenfield Park and use the alleyways to enter and leave on foot so as to commit opportunistic crime.

PROPOSAL

The Planning Proposal requests to amend the Wagga Wagga Local Environmental Plan 2010 (LEP) to:

- alter the zoning of part of the site from RE1 Public Recreation to R1 General Residential; and reclassify the land from community land to operational land.

The Proposal has been prepared under 3.4 of the Environmental Planning and Assessment Act 1979 and in line with the NSW LEP Making Guidelines.

The intended development outcome is to consider whether the land is surplus to council needs and to create opportunity for the potential disposal and sale of the subject sites to facilitate additional housing in the area. At present the sites (as part of the existing parcel) are in Council ownership. By reclassifying the land and amending the zone to residential, opportunity for additional residential development will be created through potential sale of the land and subsequent amalgamation with adjacent lots. This has the potential to create housing diversity and alternative living options, as a desired outcome for the city.

The lodgement of the Planning Proposal was prefaced by an adjoining owner to the Bowen Place site contacting Council to determine what its proposed future use of the site would be, and whether Council would be prepared to consider disposal of the land. Advice provided at the time was that the property was currently classified as community land, and that provisions of the Local Government Act 1993 prevented Council from disposing of the land whilst it was classified as community land.

This Planning Proposal is considered the only means of achieving the objectives or intended outcomes of the Planning Proposal.

The proposed outcomes are shown in the maps below:



Figure 3 and 4: Proposal outcomes for reclassification and rezoning respectively

Consistent with current controls for minimum lot size, no minimum lot size is proposed as part of this proposal.

ASSESSMENT

1. Precinct-level Approach

When considering changes to planning provisions, consideration is to be given to applying the changes to a larger precinct, rather than solely applying at a smaller scale, which achieves site-specific outcomes only. The precinct-level approach enables Council to better plan for infrastructure servicing and delivery and facilitates efficient planning. As such, as part of Council's initial scoping advice to the applicant it was recommended that the adjacent laneway on Boyd Place be similarly included in the proposal to enable more efficient planning and use of Council resources.

2. Council's Vision of Strategic Intent

There is general support for the Planning Proposal in both local and regional strategies.

- Riverina Murray Regional Plan 2041

The Riverina Murray Regional Plan outlines a goal to promote the growth of regional cities. The proposal is consistent with this plan due to the opportunity to facilitate additional housing.

- Wagga Wagga Local Strategic Planning Statement – Wagga Wagga 2040

The Wagga Wagga Local Strategic Planning Statement – Wagga Wagga 2040 (LSPS) was adopted on 8 February 2021 and provides a blueprint for how and where Wagga Wagga will grow into the future. It sets Council's 20-year vision for land use

planning under key themes and principles. The proposal is consistent with this plan due to the opportunity to facilitate additional housing.

3. Infrastructure

One of the key issues to consider with LEP amendments is the impact of any proposal on existing infrastructure and the ability of existing networks to cope with increased demands. The site is in an existing urban environment and there is opportunity to connect to existing services and infrastructure including roads, reticulated water, stormwater, sewer and waste collection services. Other infrastructure networks and services, including public transport, waste management/recycling, health, education, emergency, mail and other community services are established in the local area and are accessible to the subject site. The Planning Proposal's intent to facilitate an additional dwelling for each subject lot will have minimal impact on public infrastructure.

4. LEP Provisions

- Existing provisions

The site is currently zoned RE1 Public Recreation and is classified as community land.

- Proposed provisions

The amendment will rezone the land to R1 General Residential and reclassify the land to operational land. The proposed changes to the Local Environmental Plan (LEP) may enable facilitation of additional dwellings.

5. Development Control Plan

Future development of the subject land will be undertaken in accordance with the relevant provisions of the Wagga Wagga Development Control Plan 2010 (DCP).

6. Additional Considerations

Urban Design and Access

Pedestrian movement and access corridors within residential housing estates are an integral part of good urban design. The two subject laneways are not signposted, do not have paving and do not connect well with the existing pedestrian network. There have been numerous complaints and instances of antisocial behaviour. It is considered these laneways do not contribute to the amenity of the surrounding residential development.

Although the laneways can be used to support movement and connectivity, the loss of these laneways does not appear to affect access to the open space corridor. Access can be gained through Brooks Circuit (approximately 5-minute walk from Boyd Place) or Ramus St to the east (approximately 3-minute walk from Bowen Place). Access to the cul-de-sacs in the event of emergencies is also maintained via these routes. As mentioned above, there is a history of laneway closures in the surrounding area that was implemented as a response to crime prevention.

Laneways can create additional resource burdens on Council due to the need to maintain them. Additionally, there is potential for administration burden through requests to close the laneways. Council repeatedly receives requests to close laneways, typically from adjoining residents, due to concerns around safety. Based on Council's previous history with laneways, (although not necessarily specific to these sites) laneways have been known to attract crime

and anti-social behaviour. In this instance, the thoroughfares do not appear to provide additional amenity or benefit to the community in the context of urban design principles (such as movement and connectivity, and access to greenspace) and Crime Prevention Through Environmental Design (CPTED) principles.

These laneways were created, particularly the case in Wagga Wagga's older suburbs, at a time when some of the previous planning did not incorporate important urban design principles and elements that are now more deeply embedded in Council's approach to town planning and planning of new subdivisions. As such, it is considered these laneways do not significantly contribute to greater movement, connectivity and walkability in the suburb.

As can be seen in Figures 5-7, the laneways in both Boyd Place and Bowen Place are currently not accessible as they lack footpaths, wayfinding signage, and clear legibility.



Figure 5 and 6 respectively: Site Photos Bowen Place



Figure 7: Site Photo Boyd Place

Crime

According to NSW Bureau of Crime Statistics and Research ([BOCSAR](#)) the area around the laneways is a city hotspot for malicious damage to property damage, break and enters and assault. A search of the customer enquiry database indicates that the laneways have been a resource burden on Council in terms complaints from customers in and around the laneways relating to rubbish dumping and requests for maintenance. This is consistent with the submission from the Riverina Police District, who are supportive of the closure of the laneways (see Council report attachment). The Riverina Police District submission

references research that suggests mixed use laneways in primarily residential areas facilitate crime. Local Police identify these laneways are used to evade Police and are sites that attract litter and graffiti.

This information indicates that the laneways have been a resource burden on Council and lane closures in these locations could reduce opportunities for rubbish dumping, anti-social behaviours, and assist Police with crime prevention.

Statutory Planning Considerations

Internal feedback has indicated that alternative land uses for these parts of Lot 12, DP1187387 are not suitable given the lot size, zoning and configuration of the allotments. The Boyd Place laneway has potential for a dwelling extension or dual occupancy at 4 or 5 Boyd Place. The Bowen Place laneway has potential for expansion of a multi-dwelling development at 4 Bowen Place or a dwelling extension or dual occupancy at 3 Bowen Place. On balance, based on the feasible land use options available to the sites, it is considered this proposal would enable a beneficial planning outcome for Council, by supplementing the development opportunities for the adjoining land.

The Development Application on the adjacent lot to the west of the Bowen Place laneway was for installation of two manufactured dwellings (dual occupancy) and 3 lot community title subdivision (DA22/0383). Determined 2/11/2022, multi-residential development category.

Economic Implications

A future sale of the subject sites to facilitate residential opportunities will create economic opportunities through the construction process. The sale of the subject sites to adjoining landowners will create community benefit.

Reclassification

This Planning Proposal will facilitate a reclassification and rezoning of the site to enable future residential opportunities. The LEP practice note '[Classification and reclassification of public land through a local environmental plan](#)' has been considered in relation to reclassification of land through an LEP. This document clarifies issues arising in relation to public reserve status and any interests affecting the land.

The reclassification of the site will enable Council to consider disposing of the sites which will result in a loss of community classified land. The reclassification will require a community hearing to be undertaken to ensure community members can present their concerns on the reclassification and potential loss of community land. This will be conditioned as part of the Gateway Determination if approved by NSW Department of Planning and Environment. It is noted that the practice note specifies the proposal must be exhibited for at least 28 days. A public hearing must be held and a further 21 days public notice needs to be given before the hearing. This provides the community an opportunity to discuss issues with an independent person in a public forum. If the proposal is supported and the plan is made, the sale of the land will be facilitated by Council's property team.

Loss of Public Open Space

As the proposed land is currently being used for the purposes of a laneway, it is considered that the loss of public open space is minor, and from a social and economic perspective, the current use is not considered the best planning outcome for the land. The proposal will result in a negligible loss of open space as access to the active travel path, Red Hill Road and Jubilee Park can occur via Ramus Street. Urban design considerations have been explored

as part of the planning assessment. Selling the land would remove the ongoing maintenance burden for council and has the potential to reduce CPTED concerns. The proceeds from the potential sale of the lots will be invested in the community.

Tolland Renewal Masterplan

The Tolland Renewal Masterplan was not initially able to be shared with Council by LAHC due to confidentiality reasons during the initial stages of the assessment. During this time the Planning Proposal was referred to LAHC. No comment was received, nor any objection raised. As there has been no objection to the proposal by LAHC, the proposal does not appear to be inconsistent with the draft Tolland Renewal Masterplan, as per the analysis below. There will be additional opportunity for comment at the public exhibition stage of the Planning Proposal process. The benefit of proceeding with the amendments proposed by this application is that it may have less risk than if the amendments were to be incorporated into a future Planning Proposal associated with the Tolland Renewal Masterplan.

The Tolland Renewal Masterplan was scheduled for public exhibition from 11 September to 24 October 2023. As can be seen in Figure 8, Boyd Place is shown as connecting through to the eastern Jordan Place. This is not inconsistent with the Planning Proposal. Bowen Place is still reflected as a cul-de-sac, which aligns with the Planning Proposal. The proposed land use in the Masterplan appears to be residential and as such the proposed reclassification and rezoning appears to be consistent with the draft masterplan.



Figure 8 Landscape Masterplan extracted from Draft Concept Masterplan – Tolland Renewal Project



Figure 9 Neighbourhood Masterplan extracted from Draft Concept Masterplan – Tolland Renewal Project

Disposal Process

The process for disposing of Council owned land is outlined in [Council's Acquisition, Disposal and Management of Land Policy POL 038](#). The policy restates the legislative position that Council cannot deal with community land other than to become or be added to a Crown reserve or National Park, and therefore a reclassification is necessary to facilitate this course of action.

The policy provides that disposal of land should occur at market value, and by open competitive processes unless exceptional circumstances warrant disposal by means of direct negotiations. One such exceptional circumstance is where the only potential purchaser is the adjoining owner(s). In this case, the size of the parts of Lot 12, DP1187387 limits the development potential of the land by third parties. This may be an issue for consideration in this case.

A further report providing a detailed disposal brief and recommendations as to the proposed disposal strategy will be provided to Council for consideration if the Planning Proposal is supported.

Although the Planning Proposal seeks to rezone and reclassify two parts of Lot 12, DP1187387, there is currently active interest in the potential disposal of the Bowen Place subject site.

COMPLIANCE TEST

The following matters pursuant to the provisions of Section 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Industry and Environment's Guide to Preparing Planning Proposal have been taken into consideration in the assessment of the proposal.

Riverina Murray Regional Plan 2041	
Direction	Compliance
Objective 5: Ensure housing supply, diversity, affordability and resilience	Consistent. Although minor in nature, the proposal will potentially increase opportunity for housing choice and provide additional housing to the area. The site is located within an established residential area and is in close proximity to existing services and infrastructure.
Objective 6: Support housing in regional cities and their sub-regions	Consistent. Although minor in nature, the proposal will potentially increase opportunity for housing choice and provide additional housing to the existing regional city. The site is located within an established residential area and is in close proximity to existing services and infrastructure. Future development of the subject land may provide additional housing choice and provide housing supply to the city, within close proximity to the city, whilst utilising existing services.
Wagga Wagga Community Strategic Plan	
	Compliance
	Generally consistent
Wagga Wagga Local Strategic Planning Statement	
Direction	Compliance
Principle 2 "Increase resilience to natural hazards and land constraints".	The proposal is not located on flood or bushfire prone land, or contaminated land, and aligns with this principle by seeking to provide housing in a hazard-free location.
Principle 3 "Manage growth sustainably"	Although minor in nature, the proposal will potentially increase opportunity for housing choice and provide additional housing to the area. The site is located within an established residential area and is in close proximity to existing services and infrastructure. This additionally aligns with the strategy of encouraging infill development in the city.
Principle 7 "Growth is supported by sustainable infrastructure"	The proposal will utilise existing infrastructure.
Principle 10 "Provide for a diversity of housing that meets our needs."	As there has been no objection to the proposal by Land and Housing Corporation, the proposal does not appear to be inconsistent with the Tolland Renewal Masterplan, and it contributes to the urban renewal of the area. It has the potential

	to provide additional housing choice. This will contribute to creating liveable, attractive and well-connected communities.
<i>Other</i>	The site is located within an area identified as being a key infill and renewal site with opportunities to provide additional housing opportunities within proximity to the city and existing services (pg 9, 38).
Wagga Wagga Integrated Transport Strategy and Implementation Plan 2040 (WITS)	
	Compliance
	Consistent. Negligible impact, as discussed above, the movement and connectivity network is not significantly impacted. It is not anticipated that there would be any issues with closing the laneway as access to the active travel route and open space to the south is available through the adjacent street network.
Biodiversity Strategy Maldangilnha 2020-2030	
	Negligible impact. This is supported by internal referral comments from Council's biodiversity team.
Wagga Wagga ROSC	
	Compliance
	Consistent. See comment above in relation to the WITS.
Section 9.1 Ministerial Directions	
The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the Environmental Planning and Assessment Act 1979. These directions apply to Planning Proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued and commenced.	
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. As above, the Planning Proposal is consistent with the Regional Plan.
1.2 Development of Aboriginal Land Council land	Not applicable.
1.3 Approval and Referral Requirements	Consistent.
1.4 Site Specific Provisions	Consistent. The Planning Proposal does not include or refer to drawings that show details of the proposed development. The Planning Proposal will not impose additional unnecessarily restrictive development standards or requirements.
Focus area 1: Planning Systems – Place-based	
1.5 – 1.22	NA

Focus area 2: Design and Place	NA
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent. Subject land is not located in a conservation zone.
3.2 Heritage Conservation	Consistent. Subject land is not located within a heritage conservation area nor is it on or adjacent to a heritage item. An AIMS search showed 0 Aboriginal sites recorded in or near the subject site and 0 aboriginal places have been declared near or in the location.
3.3 Sydney Drinking Water Catchments	NA
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	NA
3.5 Recreation Vehicle Areas	NA
3.6 Strategic Conservation Planning	Consistent. Subject land is not considered to have high biodiversity value or be avoided land or strategic conservation area land. Although the proposal is to convert RE1 land to residential, the amount of land is considered negligible.
3.7 Public Bushland	NA
3.8 Willandra Lakes Region	NA
3.9 Sydney Harbour Foreshores and Waterways Area	NA
3.10 Water Catchment Protection	Consistent – subject land will not affect land within a regulated catchment.
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent- the subject land is not flood affected.
4.2 Coastal Management	NA
4.3 Planning for Bushfire Protection	Consistent- the subject land is not bushfire affected.
4.4 Remediation of Contaminated Land	Consistent- proposal is in line with the draft NSW contaminated land planning guidelines and Council's contamination register.
4.5 Acid Sulfate Soils	Consistent- subject land not identified by state acid sulfate mapping.

4.6 Mine Subsidence and Unstable Land	NA
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent – applies as Planning Proposal relates to altering a zone to residential. Given the minor nature of the Planning Proposal the proposal is not inconsistent with the objectives of this direction. The subject land is situated in an existing residential area, and the proposal’s potential to facilitate opportunity for additional dwellings, which aligns with this direction.
5.2 Reserving Land for Public Purposes	Consistent. The proposal is following the relevant process for reclassifying public land and will seek the approval of the relevant public authority. Although the proposal will reduce the land available for public purposes, this loss is considered negligible.
5.3 Development Near Regulated Airports and Defence Airfields	NA
5.4 Shooting Ranges	NA
Focus area 6: Housing	
6.1 Residential Zones	Consistent- the proposal aligns with the objectives of this direction by providing additional housing choice to the community to meet housing needs, it makes efficient use of existing infrastructure and services given the subject land is in an existing residential area, and it will minimise the impact on environmental and resource lands. The land is able to be serviced by existing infrastructure. The proposal is for infill development, rather than development on the urban fringe.
6.2 Caravan Parks and Manufactured Home Estates	NA- proposal is not relevant to caravan parks and manufactured home estates given the minor nature of the Planning Proposal.
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	NA
7.2 Reduction in non-hosted short-term rental accommodation period	NA
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	NA
Focus area 8: Resources and Energy	

8.1 Mining, Petroleum Production and Extractive Industries	NA- proposal is not relevant to mining, petroleum and extractive industries.
Focus area 9: Primary Production	
9.1 Rural Zones	NA- proposal is not relevant to rural zones.
9.2 Rural Lands	NA- proposal is not relevant to rural lands.
9.3 Oyster Aquaculture	NA
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	NA
State Environmental Planning Policies (SEPPS)	
Policy	Compliance
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable. May be relevant at Development Assessment stage.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable.
State Environmental Planning Policy (Housing) 2021	Not applicable. May be relevant at Development Assessment stage.
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable.
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable.
State Environmental Planning Policy (Planning Systems) 2021	Not applicable.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not applicable.
State Environmental Planning Policy (Resilience and Hazards) 2021	The proposal aligns with the draft NSW Contamination Guidelines. The subject land is not identified as having potential for land contamination.
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022	Not applicable. May be relevant at Development Assessment stage.

State Environmental Planning Policy (Transport and Infrastructure) 2021	Not applicable.
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Internal / External Consultation

Internal: A cross-directorate internal referral occurred at scoping stage, with a follow up referral after the Planning Proposal was submitted. Given the Planning Proposal did not significantly change in intent and approach from the scoping proposal, the proposal was only referred to relevant staff. This consultation revealed support for the Planning Proposal.

A Councillor workshop was held on 16 October where officers presented the Planning Proposal to councillors.

External: The proposal was referred to DPE at scoping stage, and their response is provided.

The Proposal was also provided to the Tolland Renewal Team. No response was received, nor any objection made to the Planning Proposal. The scoping proposal was referred and a response was received, indicating no objection to the proposed amendment.

The Riverina Police District are supportive of the closure of the laneways.

Adjoining landowners will be directly notified during the public exhibition period.

Stage	Agency	Comment	Planning Response
Planning Proposal	DPE	It is recommended that any future Planning Proposal should deal with other reclassifications or walkway closures that are supported by the NSW Housing Master plan. The Planning Proposal should also include justification why the walkway was acquired and is no longer required, such as including any masterplan that supports this initiative. Any removal of interests on the site with respect to the reclassification of land should be noted in the Planning Proposal and include any supporting documents, such as land titles (DP and certificate of Title). Please also refer to	<p>Planning Proposal took a wider approach and added the reclassification and rezoning of Boyd Place laneway.</p> <p>Planning Proposal has been referred to LAHC. Masterplan is not able to be shared by LAHC due to confidentiality reasons. No comment has been received nor any objection raised.</p> <p>The DPE LEP Making Guidelines will be adhered to and the Practice note will be responded to.</p>

		and address Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan (Copy attached). We are available to discuss the process required to undertake a reclassification LEP amendment – i.e. including a requirement for a Public Hearing.	
Planning Proposal and Scoping Proposal	LAHC		Scoping proposal response received- no objection. Planning Proposal was referred and followed up. No response received. Masterplan is not able to be shared by LAHC due to confidentiality reasons. No comment has been received nor any objection raised.
Planning Proposal	NSW Police	Support the closure of the laneways. See attachment 1 of the Council report.	Noted

Community consultation: Community consultation will be undertaken as required by the Gateway Determination.
In addition to standard community consultation, the reclassification of community land will require a public hearing.

FINANCIAL IMPLICATIONS

The application has been submitted with the applicable *Standard LEP Amendment* fee of \$11,400. The proponent has paid this fee.

CONCLUSION

The submitted Planning Proposal seeks to amend the Wagga Wagga Local Environmental Plan 2010 by rezoning part of the subject land to R1 General Residential and reclassifying part of the subject land as operational land.

The two sites have the potential to be infill sites in close proximity to existing services. The Planning

Proposal may facilitate a higher density development in the area and may provide additional residential options. The proposal results in zoning consistency, and improved development outcomes and utilisation of the site. The proposal has strategic and site-specific merit.

The proposal is supported for the following reasons:

- It creates an opportunity for new infill development within the existing urban area.
- It provides benefits to the broader community.
- It is consistent with the relevant strategic documents.
- It is consistent with Council's vision and strategic intent.
- It is consistent with relevant S9.1 Ministerial Directions and SEPPs.
- The investigation of the subject land provided with the application is sufficient to support the Planning Proposal and forward the proposal to the Department of Planning and Environment seeking Gateway Determination.

It is recommended that Council endorse the Planning Proposal and forward it to the NSW Department of Planning and Environment seeking Gateway Determination.