

Attachment 1

Information Checklist for Proposals to Classify or Reclassify Public Land through an LEP in accordance with 'Classification and Reclassification of Public Land through a Local Environmental Plan' – LEP Practice Note

The current and proposed classification of the land

Lot 12, DP 1187387 Red Hill Road, Tolland, NSW 2650 is classified as Community Land. The proposal intends to reclassify part of the lot to operational under the provisions of the Local Government Act 1993 (NSW).

Whether the land is a 'public reserve' (defined in the LG Act);

The title search for the lot does not identify the land as 'public reserve', and the land does not otherwise meet the definition of 'public reserve' as set out in the Local Government Act 1993.

The strategic and site-specific merit of the reclassification and evidence to support this;

Planning Proposal's Strategic Merit: The proposal demonstrates strategic merit. The proposal aligns with Principles 2, 3, 7, and 10 of the Local Strategic Planning Statement (LSPS) and achieves the objectives of the LSPS by presenting the opportunity to provide housing diversity through infill. In addition, it is considered appropriate to remove this land from Council ownership due to its lack of strategic benefit, by giving Council the ability to appropriately manage and/or dispose of the land into the future. Furthermore, the proposal is consistent with the adjoining residential land use zone, regional and local planning strategies and existing development within the area.

Planning Proposal's Site-specific Merit: The proposal demonstrates site specific merit. The site is capable of connecting to existing infrastructure, and there are no significant constraints on the site.

Whether the planning proposal is the result of a strategic study or report;

Not relevant due to the minor nature of the proposal. The proposed reclassification is not the result of a strategic study or report, however, remains consistent with the Regional plan and the LSPS by encouraging development of land for housing.

Whether the planning proposal is consistent with council's community plan or other local strategic plan;

The reclassification is consistent with the LSPS. The planning proposal will provide an opportunity for infill development that will contribute to housing provision and will contribute to creating liveable, attractive and well-connected communities.

A summary of council's interests in the land, including:

- how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)

- if council does not own the land, the land owner's consent;

- the nature of any trusts, dedications etc;

The history of the site is as follows:-

- In 1980, Lot 2 DP 612211 was created for the purpose of acquisition by Housing.
- This Lot was subsequently subdivided in further in 1984 to create Lot 323 DP705940. Despite having been maintained as Council open space since the subdivision in 1984, it appears that the land was never dedicated to Council under this plan of subdivision, and was not officially transferred into Council's name until 16 December 2005.
- 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 reclassification proposal.

Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;

There are no registered interests in the land proposed to be reclassified.

The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);

As the proposed land is currently being used for the purposes of an informal 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 highest best use of 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.

Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);

Electronic Title search attached to Council Report.

Current use(s) of the land, and whether uses are authorised or unauthorised;

The land is currently used as an informal laneway for access from the open space corridor to the residential cul-de-sac.

Current or proposed lease or agreements applying to the land, together with their duration, terms and controls;

Council currently has no lease agreement on or over the land, Council also has no proposals for such lease agreement.

Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);

Council has received an enquiry from an adjoining neighbour as to its intentions in respect of part of land at Bowen Place. No formal agreement has been reached in relation to the proposed disposal of the parcel of land, given its current community classification, however if the planning proposal is approved Council will consider the disposal of that part of the parcel of land.

Council does not have any proposed business dealings in relation to the part of the parcel of land at Boyd Place. If the planning proposal is approved, Council will consider further options in relation to this part of the parcel of land, which may include disposal.

Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);

The proposal is to rezone part of the site from RE1 Public Recreation to R1 General Residential. The rezoning of the proposed land to R1 General Residential demonstrates consistency with the LSPS and Regional Plan. The rezoning will facilitate housing opportunities.

How council may or will benefit financially, and how these funds will be used;

The proposed reclassification and rezoning is being undertaken by the proponent at no cost to Wagga Wagga City Council.

The proposed reclassification will potentially enable Council to dispose of the land. If the property is subsequently disposed of, the net proceeds of sale after payment of any marketing, subdivision and/or legal expenses would form part of Council's consolidated revenue. It is anticipated that any future purchaser of any Council land would be responsible for reimbursement of Council's expenses.

How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;

To be determined.

A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and



Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.

There is no additional government agency involvement with the reclassification.

LEP Making Guidelines

Classification and Reclassification of Public Land

Planning Secretary's requirements for reclassifying land are as follows:

- Is the planning proposal the result of a strategic study or report?

Addressed against Attachment 1 Checklist.

- Is the planning proposal consistent with the council's community plan, or other local strategic plan?

Addressed against Attachment 1 Checklist.

- 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 should be provided

NA

- The concurrence of the landowner must be obtained, where the land is not owned by the PPA

Addressed against Attachment 1 Checklist.

- The effect of the reclassification, including loss of open space, any discharge of interests, and/ or removal of public reserve status

Addressed against Attachment 1 Checklist.

- The strategic and site-specific merits of the reclassification and evidence to support this

Addressed against Attachment 1 Checklist.

- Does the planning proposal deliver a public benefit?

Yes, this is explored as part of the 'strategic justification'. It has the potential to deliver a public benefit through increasing housing supply to the community. It is considered the use of the land as recreational land for the purposes of a laneway is not considered the most appropriate use of the land. 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 part of Lot 12, DP1187387 will be invested in the community.

- Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?

The loss of greenspace is considered negligible.

- How funds obtained from any future sale of the land will be used

Addressed against Attachment 1 Checklist.

- How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant

Addressed against Attachment 1 Checklist.