Please contact

Mr Tony Donoghue

Council Ref.

TD:GOB:C.11-06, SC142

Your Ref.

2 December 2019



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ABN: 32 573 173 265

Mr Peter Thompson General Manager Wagga Wagga City Council P O Box 20 WAGGA WAGGA NSW 2650

Dear Mr Thompson

RE:

PUBLIC HEARING

Reclassification of Community Land Lot A, DP 331461 and Lot 1, DP 375748, 205 Morgan Street, Wagga Wagga

Please be advised that a Public Hearing in regard to the Reclassification of 205 Morgan Street, Wagga Wagga was conducted on the 18 November 2019.

My report and associated notes pertaining to this Public Hearing has been attached for your information.

Yours sincerely

Tony Donoghue General Manager

Enc

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Public Hearing Report

Topic: Reclassification of Community Land to Operational

Subject Land: Lot A, DP 331461 and Lot 1, DP 375748, 205 Morgan

Street, Wagga Wagga

Date: 18 November, 2019

Wagga Wagga City Council proposes to reclassify land known as 205 Morgan Street, Wagga Wagga from the current classification of Community Land to Operational Land.

A Public Hearing was conducted at the Wagga Wagga City Council Meeting room at 10.00am on the 18 November, 2019.

In accordance with Section 29 and 47G of the Local Government Act, the person presiding at the Public Hearing must not be a Councillor or Staff Member of the Council, or have been one in the last five years. For the record my name is Anthony (Tony) Donoghue, the General Manager of Coolamon Shire Council. I have never worked for, nor represented Wagga Wagga City Council and I do not live in the Wagga Wagga Local Government Area.

As disclosed at the Hearing, I have a part interest in three residential properties, none of which are in close proximity to this site, two being in Glenfield and one in Boorooma. It is noted that my role is not to make a recommendation but I am merely here to independently record the information and provide a report to Council.

Whilst this matter is independent of a current rezoning proposal, I did attend the Community Workshop that encompasses this land as an Observer. I thought it was carried out in a respectful, fair and open manner.

It was pointed out that this Public Hearing is specific to the issue of the reclassification of 205 Morgan Street, Wagga Wagga. It is independent of the rezoning issue. In order to allow the process to flow, people were asked to speak at the microphone and advise if they are for or against the proposal. Three minutes was considered adequate to address the Hearing, however, it was not enforced as a hard and fast rule. There is an audio recording of the hearing if required.

Those who spoke at the Hearing together with the issues they presented are included in Attachment A, those who recorded their attendance at the Hearing are included in Attachment B.

Whilst it is understandable that most concerns were raised about potential future uses, in particular as a rezoning for this, and neighbouring properties is being run concurrently, they are outside the remit of this hearing. Any future uses will be dependent on what the zoning

is determined, and any rezoning must follow a statutory process, which involves public consultation.

This hearing is to consider if it is appropriate to reclassify the subject land. This report is to record and inform.

A summary of the issues raised at the Public Hearing are as follows:

Against

There is no benefit to the community by reclassifying the land. Being philosophically opposed to removing any community owned land, particularly if replacement community land was not being offered at the same time. The preservation of green space is important and Council should be increasing it, not reducing it. The land could be opened up, rejuvenated and add to the green space linking into the City Centre. This land will have future community uses that have not yet been realised. Once it is gone the community cannot get it back.

For

The land is constrained by drainage and is under utilised. The current use is not the best use from a social or economic perspective. It is excessive to community needs and current or future users can be accommodated elsewhere.

The Public Hearing concluded at 10.43am.

Tony Donoghue General Manager

COOLAMON SHIRE COUNCIL

Attachment: A

Public Hearing Notes

Topic: Reclassification of 205 Morgan Street from 'community' to 'operational'

Date: 18 November 2019

Location Wagga Wagga Council Meeting Room

Purpose: Provide community an opportunity to comment on the reclassification of 205 Morgan

Street, Wagga Wagga

1. Open the public hearing

Who: Mr Tony Donoghue

Commenced at 10.00am

2. Verbal submissions

Catherine Harding speaking for Margaret Whalan – Against

Written submission provided Attachment (i)

Passionate about active communities

Lack of flooding and contamination documentation

Green corridors to connect spaces

Why rezone community land with a view of placing a concrete carpark on the site, use the site for greater public recreation use

We should be increasing natural space. Once it's gone you can't get it back.

Ian Bruce

Not in attendance

Chris Roche - Against

Written submission provided Attachment (ii)

Reclassification is only to the benefit of the developer. There must be a benefit to the local community. Surplus, secured by fence, land is still Council land.

Do not want land sold, WW needs more greenspace not less.

Make the space available to residents

Necessity for more green space not less.

Protect the green space we have. Closest green space to Health precinct.

With residential becoming smaller, green space is imperative.

Where will the replacement of Eric W & Staunton ovals be replaced

Never get community land back

What parcel will be provided in replacement

What is the benefit of selling the land?

When did Council definitively decide to sell the land to the developer?

When was Council going to come clean to its residents?
Will the decision to reclassify be made independently of the zoning changes
Credible and transparent process moving forward.

Anne McGregor - Against

How can the developer prepare a master plan before the land is reclassified?

Why reclassify so a developer can build a carpark

How much has the developer contributed to Council with no benefit to the community

Ron Whyte - For

See the block rejuvenated, not stand still

If this doesn't go ahead, this will degenerate the whole block

Parking is designated, won't matter how much development occurs, the parking will be the same

Yes, we want to go ahead

People can't see the block from where they live

Gerry Shilling - Impartial

Fence sitter
In favour with modification
Against sale of community land, should be retained
Place the parking on their own site

Daniel Donebus - For

Being on the corner of Docker & Morgan Street and has an open drain limiting public use.

Council determined site is underutilized

Excess to community requirements

Supports reclassification and sale

Concept is separate issues and is just a concept, not definite

Process recommended by Council, including what application, State planning require full site to see what full potential could be achieved

Council determines whether the land is to be sold and this will go to public sale

Andrew Blake - Against

Written submission provided Attachment (iii)

Problems with possible future use.

Rezoning to mixed use will allow commercial, increase commercial use will affect the retail hierarchy Need to ensure sensible location of commercial floor space

Human corridors, people can walk through the city to events at Victory Memorial Gardens and Lagoon. Should be linking green spaces.

Raised secured car parking, not full – mostly empty

Michelle Bentley - Against

Rezoning and development to carpark will make traffic worse, lose green space and make traffic unbearable

Rhys Bailey-Brown - Against

Car parking as proposed on the community site, tipping on too much development relying on community land. Exceeding development opportunities of land that is already owned by developer. Once the space is gone, it is hard to regain that space

Why let go of something that will have a benefit to the future population

Fundamentally against disposal without replacement land provided.

Brett Baumer - Against

Land to be left as it is, don't want it to look like a concrete jungle Keep post office and butchers Against everything

Manuel Donebus - For

Support reclassification
Current use is not the best use from a social or economic perspective
Does not see use of that space
Open storm water drain posing safety issues
DA process will ensure enough green open space

Additional Speakers:

Greg Evans

True, land hasn't been used to it best potential

Opportunity to improve site so that it can be used for green space

Don't want the site wasted in its current state of removed from being available green space

Council should be increasing facilities to increase its use.

Bob Maslin

A lot of events have been held on the site bringing economic benefit
Lease the land from Council and leased out the building to other uses including Crow Club for elderly
Allowing U3A to lease the space 4 days per week
Car club meet once per month and for other events
The site is not underutilised
Vital asset to the community

Subsequent Discussions

Michael Reeves

Wanted to speak but thought the meeting was closed prematurely.

Can the rezoning development be undertaken without the community land. Can a new concept be developed.

3. Close

Who: Mr Tony Donoghue

Provide a report to Council

Close at 10.43am

Attachment: A(i)

PLANNING HEALTHY CITIES

My name is Catherine Harding and I feel passionate about the concept of creating healthy livable cities. I have lived most of my life in central Wagga, and have worked in medicine in this city for more than thirty years. For at least a third of those years I have worked in the field of community and public health and I have a post-graduate qualification in public health.

I have three main reasons why I believe the council should not reclassify this land from Public Recreation to Mixed Use. These are the lack of documentation on the potential *flood impact* of the site prior to re-zoning and the lack of documentation on the *potential contamination* of the site prior to re-zoning and the loss of potential for optimising community *green space*. I will focus on my concerns about the site first and then address the issue of green space.

I am concerned that the council has not provided any documentation on flooding information in the proposal to change the zoning to B4 Mixed Use Zone. While the council has suggested that the future use of the land would be a car park, the change in zoning would allow residential use and/or commercial use on flood-affected land that has previously had a restricted development.

The Ministerial Directions for flood prone land under Section 9.1 (2) of the Environmental Planning and Assessment act requires that careful consideration be given in relation to land that is flood-affected. The planning proposal is not accompanied by any flood modeling material that would explain or justify a change in zoning that could potentially allow residential and/or commercial use.

More importantly, Figure 20 of the Council commissioned flood study by WMA Water (August, 2011) provides an overview of all areas subject to hazard and risk. The watercourse dissecting the Council owned site is annotated in red as a high hazard location and much of the planning proposal site is also affected. The Ministerial Directives of the Environmental Planning and Assessment Act demands that flooding issues are resolved prior to the planning proposal being supported. It also required that residential densities are not increased on land that has a flood risk and the Act does not allow development to occupy flood-affected areas that would change flood impacts. An outcome that promotes a residential use on flood affected land is inconsistent with the Ministerial Direction.

As previously stated, the proposed zoning change from a community based use to B4 Mixed Zone use would allow residential accommodation for the first time. Although the council has suggested this is not its intended use, the concept plan is just that, a concept plan and not in any way binding. This is particularly concerning in the absence of Stage 1 testing which should be required given that the land has been used for non-residential uses and that the adjacent land has a history of industrial use. It would seem more appropriate that contamination assessments should be available before a zoning change.

The other concern that I have relates to green space. In the 1980s, a movement called Biophilic Urbanism gained momentum when an American professor published a book about it. Professor Wilson said that humans are genetically predisposed to respond to green environments, that we are happier when exposed to nature. We all know this: we choose the apartment with a view of the tree, not the view of the concrete wall. Research has shown that exercise in natural spaces lowers tension, anxiety and blood pressure more effectively than the benefit of the exercise itself. Retail and residential space adjacent to green space has greater economic value.

Those who live in greener, urban environments have fewer symptoms of mental distress and better life satisfaction. Greener urban environments have benefits for exercising, socialising and active travel – we are more likely to walk or ride a bike. Those of us who live in cities need to be greening our environment and looking increasingly for diverse ways to do this.

The members of our local community understand this need. They have documented their opinions in the Community Strategic Plan 2040. There are numerous mentions in this document to greening the community and I have just included a couple of them here. The plan talks about providing open and accessible places and natural areas for recreation. It talks about protecting the natural environment. It also talks about providing green corridors to connect spaces.

I like to walk to work – and for part of the way I can walk along a green corridor, along the area of the lagoon that the council has done a brilliant job in restricting car access from the bank of the lagoon and using natural plantings. I walk past the geese and the wild life whose home is at the end of the lagoon. The geese, and the families who come to feed them, have no complaints about the un-watered lawn. I pass the many cars parked along Forsyth Street then along the pathway adjacent to the Forsyth street canal to the block that the council is seeking to re-zone – this is the last green oasis before you hit the medical precinct.

Again, the council has done a great job of putting together a draft Health and Knowledge precinct master plan. This master plan also recognises the impact of Biophilic design on our health – the plan talks about green spaces improving recovery rates, decreasing dependency on medication, reducing staff and family stress. The Health and Knowledge Precinct draft Master Plan talks about the need for access to nature, and the development of new pocket parks.

The council has a potential pocket park, about a block away from the Health precinct. When other cities are recognising that, with the need to increase housing density, also comes a need to increase the natural space in our cities why would we re-zone community land from Public Recreation to Mixed Use with a view of placing a concrete car park on it?

In summary, I believe that there has been inadequate analysis of the council owned land to move forward to zoning that has the potential for use beyond the stated proposal of a car park. The re-zoning would allow residential building on the site and so, at the very least, more work is required on the suitability of the

site for residential uses given the potential for flooding and contamination. The broad B4 Mixed Use zone facilitates a wide range of uses and so warrants a more detailed analysis before rezoning should be undertaken.

In addition, I believe that there are some issues around probity. It could be argued that the timing of the public hearing, 10 am on a Monday morning, would have the potential to restrict community participation as it discourages community members who are employed from attending. It could also be argued that decisions to reclassify Council land should be at arm's length from the proponents planning proposal submission and that the community could have a reasonable expectation that the decision to make the Council land part of the broader planning proposal site should be assessed independent of Council, with full transparency. It is reasonable for us, as the community, to see that use of all council owned land represents best planning practice and urban design outcomes. These include having undertaken a full and proper assessment of the land for its future use.

I also believe, given the above concerns, that a valid argument exists for ongoing use of the site for Public Recreation with greater community access than is currently the case.

Associate Professor Catherine Harding

11 Wollundry Avenue, WAGGA 2650

MBBS, FRACGP, MPH, MHPEd, PhD

Healthy Cities include Accessible Green Space

Associate Professor Catherine Harding

Master of Public Health, PhD



Reclassification concerns

- Absence of documentation on flood impact of the site
- Absence of documentation of potential contamination of the site
- · Loss of opportunity for Green space

Flood impacts on the site

- Watercourse dissecting the council owned land - identified as high hazard location
- Flooding issues should be resolved prior to rezoning the land for mixed use
- Potential impact of development in floodways on adjacent properties should be considered

Potential contamination of site

- This land is adjacent to land with a history of industrial use
- Contamination assessments should be done before any consideration of re-zoning

"Humans are genetically predisposed to respond to green environments and animals and plants, exposure to these is beneficial to our health well being and happiness"

> Professor Edward Wilson Biophilic Urbanism 1984

Current research has shown that:

- Those who live in greener urban environments have fewer symptoms of mental distress and better life satisfaction
- Exercising, socialising and active travel
- Need to be greening our environment
- Looking at diverse ways to make our neighborhoods greener



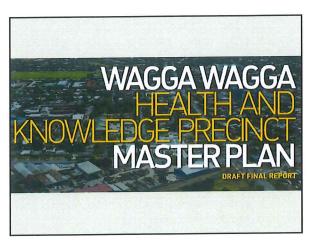
Community Strategic Plan 2040

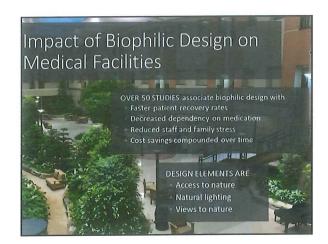
- Provide access to open space in local neighborhoods
- Ensure places and spaces are accessible for families
- Provide a healthy by design environment
 Incorporate community gardens into new and existing community centres and spaces
 Provide natural areas for passive recreation
- Provide green corridors to connect spaces
- Protect accessible open space, parklands and natural environment











Attachment: A(ii)

CHRIS ROCHE

RECLASSIFICATION OF COUNCIL LANE

THE RECLASSIFICATION OF THIS COMMUNITY LAND IS BEEN DONE FOR ONE REASON ONLY AND FOR THE BENEFIT OF ONE PARTY ONLY — THE DAMASA DEVELOPER.

FOR COMMUNITY LAND TO BE SOLD, THERE MUST BE A BENEFIT TO THE LOCAL COMMUNITY – WHAT IS THE BENEFIT OF THE SALE OF THIS LAND TO US, THE SURROUNDING AFFECTED RESIDENTS.

SO, WHAT IS THE BENEFIT OF RECLASSIFYING THEN SELLING THIS LAND – NOTHING FOR THE COMMUNITY, ONLY FOR THE DEVELOPER.

NOW COUNCIL MAY DEDUCE THAT THE LAND IS NOW SURPLUS AS THE CAR CLUB AND CO-TENANTS HAVE BEEN RELOCATED AT THE REQUEST OF THE COUNCIL. THE LAND WAS SECURED BY A FENCE AS THE LAND WAS LEASED TO THE CAR CLUB AND CO-TENANTS. BUT THE LAND IS STILL COUNCIL LAND, MEANING THAT IT IS OUR LAND, AND AS ONE OF MANY SURROUNDING RESIDENTS, WE DO NOT WANT THIS LAND SOLD!!

WHY DO WE NOT WANT THIS LAND SOLD TO THE DEVELOPER:

- WAGGA NEEDS MORE GREEN SPACE, NOT LESS, AND THIS LAND SHOULD BE FOR THE USE OF THE COMMUNITY AS A WHOLE WHY DOESN'T THE COUNCIL MAKE THIS COUNCIL SPACE AVAILABLE TO THE RESIDENTS.
- AS COUNCIL HAS OBVIOUSLY GIVEN ITS IN-PRINCIPAL APPROVAL TO THE DAMASA DEVELOPMENT NEXT DOOR, WITH THE CONSTRUCTION OF 6 RESIDENTIAL TOWERS HOUSING AROUND 200 APARTMENTS AND NEARLY UP TO 600 RESIDENTS, THERE WILL BE A NECESSITY FOR MORE GREEN SPACE NOT LESS.
- WITH THE DEVELOPMENT OF THE NEW BASE HOSPITAL AND HEALTH PRECINCT NEARBY, WE NEED TO PROTECT WHAT GREEN SPACE WE HAVE THIS MAY BE ONE OF THE CLOSTS AVAILABLE GREEN SPACES TO THIS NEW HEALTH PRECINCT.

- AS OUR HOUSING BLOCKS ARE BECOMING SMALLER WITH MORE MEDIUM DENSITY LIVING INSISTED ON BY COUNCIL, SO THE NEED TO PROTECT WHAT GREEN SPACES WE HAVE IS IMPERATIVE.
- WITH COUNCIL'S DEMAND FOR MORE INFILL DEVELOPMENT SITES, THE SUPPLY OF GREEN SPACE IS REDUCING, WITH THE CONVERSION OF STAUNTON OVAL AND THE ERIC WEISELL OVAL INTO DEVELOPMENT SITES, WHERE WILL THE REPLACEMENT GREEN SPACES BE??
- ONCE THIS CARPARK IS BUILT, AND THIS WILL HAPPEN IF THIS LAND IS REZONED FOR SALE, THEN WE THE COMMUNITY WILL NEVER GET THIS LAND BACK IT'S GONE FOR GOOD!
- AS THE DEVELOPER INTENDS TO BUILD ON THIS COUNCIL LAND,
 WHAT PARCEL OF LAND WILL THE DEVELOPER PROVIDE IN
 REPLACEMENT OF THIS COUNCIL LAND

SO, MY QUESTIONS TO YOU, THE INDEPENDENT CHAIR, ARE:

- 1. WHAT IS THE BENEFIT OF SELLING THIS LAND THAT BELONGS TO THE COMMUNITY, ACKNOWLEDGING THIS POTENTIAL SALE MUST BE OF BENEFIT TO THE COMMUNITY?
- 2. WHY REZONE THIS LAND JUST SO THAT IT CAN BE SOLD TO A DEVELOPER FOR A PARKING LOT?
- 3. ACKNOWLEDGING THE COMMENTS OF ANNE MCGREGOR, WHEN DID COUNCIL DEFINITIVELY DECIDE TO SELL THIS COMMUNITY LAND TO THE DEVELOPER, CONSIDERING THAT THE DEVELOPER'S ARCHITECT HAS BEEN WORKING ON THIS DEVELOPMENT SINCE 2013? WHEN WAS COUNCIL GOING TO COME CLEAN TO ITS RESIDENTS?
- 4. DUE TO THE SENSITIVITY OF THIS COMMUNITY LAND RECLASSIFICATION, WILL IT BE MADE INDEPENDENT OF THE OTHER L.E.P. CHANGES, OR DOES IT FORM A PART OF THE ONE DECISION THIS NEFDS INDEPENDENCE

- Jane John Bree

WITH THE INITIAL LACK OF TRANSPERANCY OVER THIS WHOLE DEVELOPMENT, INCLUDING THE INCLUSION OF THIS COUNCIL LAND IN THE DEVELOPMENT, THERE NEEDS TO BE A CREDIBLE AND TRANSPERANT PROCESS MOVING FORWARD – STARTING WITH THE CONSIDERATION OF THE OWNERSHIP OF THIS LAND PARCEL.

Attachment: A(iii)

My name is Andrew Blake

I would like to raise a concern in relation to the re-zoning.

This concern is in relation to Retail Hierachy.

If this land is re-zoned to Mixed Use, the current concept plan is not binding and Mixed Use would allow commercial use.

In this case, with the already functioning adjacent Enixus building, increased commercial use would threaten the widely accepted importance of maintaining the hierarchy of commercial centres in Wagga Wagga as listed in the Wagga Wagga Local Enironmental Plan.

We need to ensure that the economic viability of sensitive regional locations are not eroded by inappropriate and ill-considered placement of additional commercial floor space which this rezoning could allow. The proposed re-zoning is not accompanied by an appropriate retail assessment on the implications of this change, particularly when that change is combined with the removal of a floor space ratio control on all land subject to the planning proposal.

Andrew Blake

11 Wollundry Avenue.,

Attachment: B

LEP19/0002 – Planning Proposal – Reclassification 205 Morgan Street, Wagga Wagga

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FLAINE ALMOND		Yes //	In Favour / Against
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68 Maren St		Yes / No	In Favour / Against
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LEP19/0002 - Planning Proposal - Reclassification 205 Morgan Street, Wagga Wagga

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LEP19/0002 - Planning Proposal - Reclassification 205 Morgan Street, Wagga Wagga

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	Name	GARRY SKEERS	FIONA BRUCE	ENS BAD	Simo Free 2	& Banka												

LEP19/0002 - Planning Proposal - Reclassification 205 Morgan Street, Wagga Wagga

Name	Contact details (email / postal address)	Speaking	In Favour / Against
SA- MULINS		Yes/No	In Favour / Against
8-11 STA 243		Yes (No)	In Favour /(Against
Markered Beck	「	Yes (No	In Favour / Against
COLOSON MANAGO		Yes /No	In Favour (Against
GEOFF BYRNE		Yes / No	In Favour (Against)
ANDRY BIXIS	一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一一	Yes) No	In Favour (Against
Michael Baeves		Yes / No	In Favour / Against
GUICIN MAINS FRANK		Yes /M	In Favour / Against
Guer Smith		Yes/No	(In Favour) Against
PAT O'HALLORAIN		Yes / 🖄	In Favour / Against
MAUREEN DONLON		Yes (No	In Favour/ Against
		Yes / No	In Favour / Against
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LEP19/0002 - Planning Proposal - Reclassification 205 Morgan Street, Wagga Wagga

Name	Contact details (email / postal address)	Speaking	In Eavour / Against
VAL GRAGIZ		Yes / No	In Favour (Against)
MANNEEN WHITER		-Xes / No	In Favour / Against
FINA BAYLEY		Yes / No	(In Favour) / Against Worth concern
anke Emis		Yes / No	In Favour (Against
Rosem Pacie		Yes / No	In Favour (Against)
June Palmer		Wes/No	In-Favour / Against
		Mes No	In Favour Against
HERY HALLORAW		Yes/No)	In Favour (Against
100 C		Yes / No	In Favour (Against)
MANAGE		Yes/No ?	In Favoury Against
DAZZYL HOZCAN		Yes /No	In Favour / Against
HOBEAT BOYD		Yes (No	In Favour (Against)
GLORIA O'HALLOBAN	一次 · · · · · · · · · · · · · · · · · · ·	Yes /(No)	In Favour / Against
148 LPAY		Yes /(No	In Favour / Against
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LEP19/0002 - Planning Proposal - Reclassification 205 Morgan Street, Wagga Wagga

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RHY PAINET-BRUJ		Yes No	In Favour / Against
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