

DETERMINATION REPORTS

8.15 Progressing the Proposed Memorial Park - Preparation of Planning Proposal and Classification of Land as Operational Land - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride)

Summary

The purpose of this report is to seek endorsement to commence work on the Planning Proposal to allow the process for consideration of a potential memorial park to proceed on the corner of Old Cooma Road and Burra Road. Acquisition of the site was settled in June. The first step will be to amend Schedule 1 of *Queanbeyan Local Environmental Plan 2012* whilst acknowledging that all the details of design, landscaping and visual amenity will be confirmed at a later stage in the project. These later stages can only begin if and when Council receives a Gateway determination from the NSW Minister for Planning to proceed. This is reflected in the attached flow chart which provides a broad overview of the process with an indicative timeline.

Progressing the work also requires Council to classify the land as 'operational' land.

Recommendation

That in order to progress the proposal to establish a potential memorial park on the corner of Old Cooma Road and Burra Road, Council:

- a. Prepare a Planning Proposal for Lot 2 DP 112382 and Lot 126 DP 754881 to amend the *Queanbeyan Local Environmental Plan 2012* to provide for additional permitted uses, being that of a 'cemetery' and 'crematorium', in Schedule 1 Additional Permitted Uses, for this site.
 - b. To ensure the independence of the process, request the Minister to make the final determination on whether the Planning Proposal should proceed.
 - c. Classify Lot 2 DP 112382 and Lot 126 DP 754881 as 'operational land' under the Local Government Act 1993, whether that be for a memorial park as proposed, for another use such as rural-residential or recreational development or disposal of the land.
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Background

Council previously considered this matter at its meeting of 14 June 2017. At that meeting it was resolved that the matter be deferred to the next meeting of Council for further consideration of this matter and for additional clarification of the planning process and conditions that might apply.

This report has subsequently been amended to include information on the potential for a public hearing to be incorporated into the process either as a requirement of the Department Planning and Environment or at the behest of Council.

The Queanbeyan Lanyon Drive Cemetery is expected to reach capacity within the next five years. Over the past 8 years, the former Queanbeyan City Council has been reviewing the need for a new cemetery to replace the existing Lanyon Drive Cemetery. In 2013 Council included the project in its 2013 - 2017 Delivery Plan.

8.15 Progressing the Proposed Memorial Park - Preparation of Planning Proposal and Classification of Land as Operational Land - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride) (Continued)

Investigations were carried out during 2014 - 2015 and following a workshop with councillors in July 2015 two potential localities were identified in the Burra and Carwoola areas. The Burra location was considered superior, due to its easy access for a large proportion of the Queanbeyan, Jerrabomberra and Googong populations and future residential investigation lands to the south.

While Council initially endorsed taking up options on the preferred site, the owner would only proceed on the basis of a full acquisition. In February 2017 (in closed session), Council resolved to progress the acquisition of the site on the corner of Old Cooma Road and Burra Road pending the outcome of preliminary investigations. Council has now acquired the land. The preliminary environmental assessment and geotechnical investigation found the land had potential for a cemetery site and Council subsequently began proceedings to purchase the land.

It is proposed to construct a modern-style memorial park (cemetery) on a portion of the 36ha property. The details of the memorial park will be determined with the development of a concept design. This will be developed after consultation with the community. The concept design and an Environmental Impact Statement will form part of a future Development Application but these stages cannot be progressed until the *Queanbeyan Local Environmental Plan 2012* is amended to provide for additional permitted uses, being that of a 'cemetery' and 'crematorium', in Schedule 1 Additional Permitted Uses, for this site.

An amendment to a local environmental plan is done through a Planning Proposal. It is a document that explains the intended effect of the proposed amendment and sets out the justification for making the proposed amendment. This is then forwarded to the NSW Department of Planning and Environment seeking a Gateway determination for the proposed amendment to proceed. The Gateway determination, if issued, will set out the consultation requirements for the draft amendment and any studies that need to be undertaken. It is likely that studies will include the following investigations:

1. Flora and Fauna
2. Traffic
3. Visual Amenity
4. Geotechnical
5. Hydrology

As noted above, if the Gateway determination to proceeds it will also contain conditions. For example these will include details on community consultation, what public authorities are required to be consulted and will set the timeframe for the completion of the draft Local Environmental Plan. It will also indicate whether or not the Minister has determined that a public hearing is to be held by the Planning Assessment Commission or other specified person or body.

If a Gateway determination to proceed is approved, Council will not request delegation to make the final decision. Rather, the Minister for Planning will be asked to make it.

8.15 Progressing the Proposed Memorial Park - Preparation of Planning Proposal and Classification of Land as Operational Land - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride) (Continued)

Implications

Legal

Planning Proposal - The classification of the acquired Council land will be done under section 31 of the *Local Government Act 1993*. In accordance with the Act, the Council must within three months of acquiring a property classify the land as either "operational" or "community". The use proposed is more appropriate to an operational land classification, and this classification will provide flexibility in the future if needed regarding land use. It is now appropriate to classify the land as "operational land".

The preparation of a Planning Proposal to amend a local environmental plan is contained under the provisions of section 55 of the *Environmental Planning and Assessment Act 1979*.

The Minister as part of the Gateway process may whether a public hearing is to be held into the matter by the Planning Assessment Commission or other specified person or body.

Classification of Land - On 1 June 2017 the Contract of Sale for the purchase of Lot 2 DP112382 and Lot 126 DP754881 located at Old Cooma Road, Googong was completed.

Section 31 of the *Local Government Act 1993* provides that within three months of acquisition that the land be classified as either community or operational land for the purposes of the *Local Government Act 1993*. There is no opportunity to extend this time frame. If no decision is made within three months of acquisition the classification defaults to Community Land.

It is not intended that this land be used in accordance with the Community Land criteria and it be classified as Operational Land in order that future use as a memorial park can be investigated. Accordingly, it is appropriate that it be so classified.

If the use as a memorial park does not come to fruition, the Operational Land classification provides opportunities for alternative use and/or potential sale.

Policy

There is no Council policy regarding the management of Planning Proposals in the Queanbeyan-Palerang Regional Council area.

Environmental

Environmental matters will be considered in the Planning Proposal and will be the subject of any required detailed background studies. These studies will inform the newly elected Council as to the suitability of the site for a memorial park and these will be considered in future reports.

Sustainability

Sustainability of the Planning Proposal will be a consideration by the Minister for Planning if the proposal progresses. If the project proceeds to the development application stage it will be covered by Council's Sustainable Design Policy for Council Buildings, being a Showcase Infrastructure Project.

8.15 Progressing the Proposed Memorial Park - Preparation of Planning Proposal and Classification of Land as Operational Land - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride) (Continued)

Asset

The Council has an additional 36ha of land which it is acquiring. The resolution to classify the land as 'operational' will allow for Council to go out to tender for a business partner for the day to day running of the memorial park if required and subject to it getting the necessary approvals. The operational classification also allows Council to re-sell the land should the Planning Proposal not proceed.

Social / Cultural

The provision of a new memorial park is needed given that the Queanbeyan Lanyon cemetery is nearing capacity. The risk of not providing such a facility would mean that the wider Queanbeyan community would have to travel to other end of life facilities including those over the border in the ACT.

Economic

There may be some economic benefit to Council. However, this would require a partnership with the private sector who are in the funeral directing business and this will be a decision of a future Council.

Strategic

At present the land is zoned E4 Environmental Living which does not list a memorial park as a land use permitted with consent. Consequently, the Planning Proposal will identify a memorial park and its associated uses as 'additional uses' at this specific site specifying the Lot and DP in Schedule 1 Additional permitted uses

Engagement

A letter dated 20 April 2017 was sent out to nearby residents outlining the need for the memorial park and the fact that the Old Cooma/Burra Road site was being purchased in the first stages of the project. The letter ensures nearby residents that there will be significant engagement with community at both the Planning Proposal stage and the stages of concept design and development application. Residents were encouraged to register with the Council on line 'your voice' service. A community forum was held in May 2017 where the strategy and process to consider and potentially develop the site as a memorial park was outlined.

As indicated earlier the process associated with this Planning Proposal will also involve community consultation with this being part of a Gateway determination should one be issued. Notwithstanding this the new Council also has the option of holding a public hearing at the conclusion of the community consultation period on any issue whether this is raised or not by a submission.

Community and other stakeholders will also be engaged at various stages in the exploration, concept design and DA process. The community may have further forums to express their views with the JRPP, should the proposal progress to DA.

8.15 Progressing the Proposed Memorial Park - Preparation of Planning Proposal and Classification of Land as Operational Land - Corner Old Cooma Road and Burra Road (Ref: C1764241; Author: Thompson/McBride) (Continued)

Financial

Reserves of \$149k have set aside to assist the exploration and concept studies for the proposed memorial park.

Resources (including staff)

Council staff will be involved in further legal proceedings and drafting the Planning Proposal to amend Schedule 1 of the *Queanbeyan Local Environmental Plan 2012*. The background studies required to support the Planning Proposal will need to be undertaken and a consultant will be engaged with the project being managed by Council staff.

Integrated Plan

The need for a new cemetery was indicated first in Council's 2009 - 2013 Delivery Program. It was also identified as a major project in the 2013 - 2017 Delivery Program with construction planned for 2017 - 18. This timeframe has been delayed.

Conclusion

It is necessary to provide the community with a new cemetery as the existing facility at Lanyon Drive is nearing capacity. Initial site investigations have identified land at Old Cooma Road/ Burra Road as being suitable and Council has purchased the land. Council now needs to prepare a Planning Proposal to amend Schedule 1 of *Queanbeyan Local Environmental Plan 2012* and this process will require detailed studies to be done to support the proposal. If Council receives a Gateway determination from the Minister of Planning to proceed then *Queanbeyan Local Environmental Plan 2012* can be amended. This is necessary in the early stages and before any concept plan or Development Application can be considered. Council also requires the land acquired to be operational and this report seeks to do that under section 31 of the *Local Government Act 1993*.

Subject to the various studies, concept designs and approvals, the use of the site may not be feasible and Council may choose not to proceed. In that case, the site may be sold or developed into another use available under the existing zone subject to Council ensuring the land is classified as Operational Land.

Attachments

Attachment 1 Flow Chart for Planning Process (*Under Separate Cover*)

8.15 Progressing the Proposed Memorial Park - Preparation of Planning Proposal and Classification of Land as Operational Land - Corner Old Cooma Road and Burra Road

171/17

RESOLVED (Overall)

The Administrator resolved that in order to progress the planning and assessment, stakeholder and community engagement processes for a proposed memorial park on the corner of Old Cooma Road and Burra Road, Council:

- a. Prepare a Planning Proposal for Lot 2 DP 112382 and Lot 126 DP 754881 to amend the *Queanbeyan Local Environmental Plan 2012* to provide for additional permitted uses, being that of a 'cemetery' and 'crematorium', in Schedule 1 Additional Permitted Uses, for this site.
- b. Request the Minister to make the final determination on whether the Planning Proposal should proceed (to ensure the independence of the process).
- c. Classify Lot 2 DP 112382 and Lot 126 DP 754881 as 'operational land' under the Local Government Act 1993, whether that be for a memorial park as proposed, for another use such as rural-residential or recreational development or disposal of the land.
- d. Note that the Planning Proposal and Gateway process includes a requirement that following the stakeholder and community consultation processes the Planning Proposal will be referred to the elected council for consideration and determination on whether to proceed with the Planning Proposal to permit the proposed memorial park.
- e. When preparing the Planning Proposal to the Minister, include the details for Community Consultation including a community meeting being held at the Fernleigh Park Community Hall.
- f. Include the preparation of an independent social impact assessment in the planning process should the planning proposal proceed.
- g. Incorporate a public hearing into the planning and engagement processes should the Planning Proposal proceed.
- h. Consider including funding in the 2017/18 and 2018/19 Operational Plans for boundary tree plantings, with the objective of providing well established screening in advance of any potential development, whether that be for a memorial park, for another use such as rural-residential or recreational development or disposal of the land.