

Planning & Development Review Committee:

8 September 2010

**Draft Planning Proposal for Reclassification and Rezoning of Community Land
(Ref: SF000197; Author: Carswell/Geyer)**

Introduction

Land Affected	:	13 parcels
Current Zoning	:	Zone 6(a) Open Space A under Queanbeyan Local Environmental Plan 1998 (as amended)
Proposal	:	To reclassify and rezone land
Issues Discussed	:	Planning Requirements
Owner/Applicant	:	QCC
Attachments	:	Appendix 1 – Draft Planning Proposal for Reclassification and Rezonings of Community Land

Integrated Planning Framework

Community Strategic Plan:	Strategic Priority No 7
Delivery Program Title:	Local Planning
Operational Plan:	Program No 528

Comment

Introduction

This Report is in regard to a draft planning proposal (Appendix 1) to reclassify and rezone 13 parcels of land for possible future sale and redevelopment consistent with the adjoining zoning. It is necessary to prepare a planning proposal because these sites are currently classified as community land under the *Local Government Act 1993* and need to be reclassified as operational through a planning proposal.

The sites proposed to be reclassified and rezoned amount to about 0.35% of current open space/environmental protection land within the Queanbeyan Local Government Area (LGA).

In addition to these 13 sites there is a site at Bungendore Road/Carwoola Street road closure that is also proposed to be disposed of. However this does not need to go through this process as it is part of a road reserve.

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One of these sites i.e. 113 Canberra Avenue was included in Council's resolution of 16 December 2009 (Resolution No 390/09 - Item 49) relating to the reclassification of 53 parcels of land as part of the comprehensive Local Environmental Plan (Comprehensive LEP). However, this property is now proposed to be included in this planning proposal.

Overview of a Planning Proposal

A planning proposal is prepared pursuant to section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A A)*. Guidelines prepared by the Department of Planning identify the following as key components of any planning proposal:

1. A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]
2. An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]
3. Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]
 - A. Need for the planning proposal.
 1. Is the planning proposal a result of any strategic study or report?
 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?
 3. Is there a net community benefit?
 - B. Relationship to strategic planning framework.
 1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?
 2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?
 3. Is the planning proposal consistent with applicable state environmental planning policies?
 4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?
 - C. Environmental, social and economic impact.
 1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?
 2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?
 3. How has the planning proposal adequately addressed any social and economic effects?

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D. State and Commonwealth interests.

1. Is there adequate public infrastructure for the planning proposal?
 2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)
4. Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]

A planning proposal is now the beginning of the process by which land is rezoned.

Planning proposals are not static but alter as the draft local environmental plan (rezoning) proceeds through the process (Diagram 1).

Overview of the Process

The process to reclassify and rezone land classified as community under the *Local Government Act 1993* is outlined in the Department of Planning's Practice Note PN 09-003 and is summarised in Appendix 2.

Community Consultation

The proposal to reclassify and rezone land will require considerable community consultation. This is outlined in Appendix 2 and includes:

- Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the *EP&A Act*).
- Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the *EP&A Act*.
- Such a hearing follows the requirements of clause 14 of the *EP&A Regulation* including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.

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- Consultation for a planning proposal under new section 57 of the *EP&A Act* is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing.

Environmental Implications

Nil at this stage. However any planning proposal has to consider Environmental, social and economic impacts.

Financial Implications

At this stage these include the administrative costs of preparing the draft planning proposal and this Report.

Conclusion

It is concluded that Council should proceed with the planning proposal to reclassify and rezone these 13 parcels of land of about 0.35% of open space within the Queanbeyan LGA.

Legal/Compliance Considerations

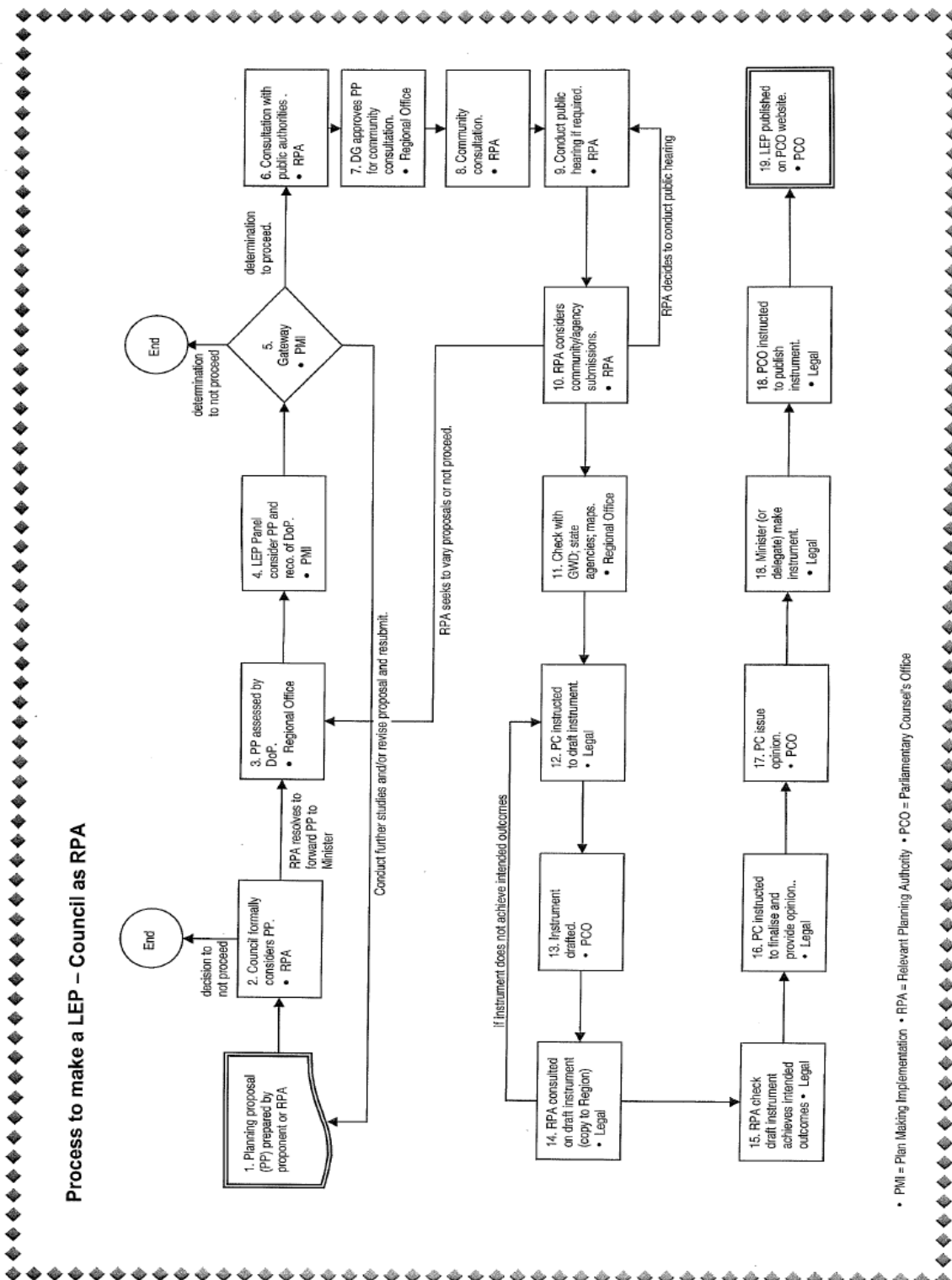
The process of reclassifying and rezoning community land is governed by provisions of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*. These are summarised in Appendix 2 and Practice Note PN 09-003.

Recommendation

It is recommended that the draft planning proposal contained in Appendix 1 of this Report be forwarded to the responsible Minister for determination of whether or not to proceed.

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Diagram 1



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Appendix 1

See Attachment – Planning Proposal – Reclassification and rezoning of Land

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Appendix 2**Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal**

A planning proposal is forwarded by council to the Minister (new section 56 of the EP&A Act), including a proposal to classify or reclassify public land.

This proposal contains an appropriate level of information including for the following:

- a justification for the planning proposal
- reasons why council acquired an interest
- details that would also accompany a plan at exhibition stage
(see **Attachment 2**)
- any proposal to extinguish or retain other interests in the land through the reclassification
- a justification /explanation as to why such interests are being extinguished
- any rezoning associated with the classification/reclassification
- any preliminary comments by a relevant government agency, including an agency in which the land is vested or held
- consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.

Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).

Where a planning proposal includes reclassification of ‘community’ land to ‘operational’ land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *

Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.

Consultation for a planning proposal under new section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing.

Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&A Act).

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The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

Notes:

* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

** Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.