

Summary

The purpose of this report is:

1. To update Council in respect of actions undertaken to identify land owned by Council that is currently classified as 'community' and is not contained in a relevant Plan of Management (PoM) as required under the *Local Government Act 1993*,
2. To recommend certain 'community' land now be included in existing PoMs where appropriate, and to seek Council's agreement that all necessary actions be undertaken to amend these PoMs accordingly, and
3. To recommend certain 'community' land now be reclassified as 'operational', and to seek Council's agreement that staff take all necessary actions to reclassify those lands.

Recommendation

That Council:

1. **Amend the identified Plans of Management as set out in Attachment 1 to this report; and**
2. **Reclassify the lands identified in Attachment 1 of this report from 'community' to 'operational' status under the *Local Government Act 1993*.**

Background

Council owned land is required to be classified as 'community' or 'operational' under the *Local Government Act 1993*. Where land is designated as 'community' land, it is required to be covered by an appropriate plan of management (PoM). It is important this land be placed in an appropriate PoM or be reclassified to 'operational' if not required for community purposes.

In general, 'community' classified land must be managed for the use of the community whereas 'operational' land can be sold, leased, developed or used for any other purpose considered appropriate by the Council. Where land is dedicated to the Council, the Council must resolve within 3 months to accept the land as 'operational' otherwise it automatically defaults to 'community' status.

While the circumstances that have led to some Council owned land being classified as 'community' are often not clear, this project seeks to ensure that Council meets its legislative obligations under the *Local Government Act 1993* in respect of managing community land (by including it in an appropriate Plan of Management), or alternatively, that the land be reclassified as 'operational' where this is more appropriate.

**5.1 Council Community Land to be Placed in Various Plans of Management or to be Reclassified as Operational Land (Ref: C1662060; Author: Thompson/Kurzyniec)
(Continued)**

One hundred and sixty two (162) parcels of community land were originally identified on Council's property database as not currently being covered by a PoM. By researching previous reclassifications and existing PoMs, this number has been reduced to a total of twenty nine (29) properties as well as updating the property database in respect of the other properties to ensure their details are correct.

Staff have now undertaken site inspections and internal consultation to determine the most appropriate management arrangements for each of the remaining twenty nine (29) sites. Attachment 1 outlines the details of each site and the management options recommended. Of the twenty nine (29) sites, twenty (20) have been recommended to be included in existing PoMs held by the Council. Six (6) sites are being recommended to be reclassified to 'operational' status. The three (3) remaining parcels of land will be managed by dedicating as road reserves under the *Roads Act 1993* and will be amended by Council's Legal & Governance team at a future date.

The amended plans of management will include a comprehensive list of all the assets for each site and how these will be managed.

Implications

Legal

Plans of management are legislative requirements for community land under the care, control and management of Council. These plans outline the management and use of community land and in the case of this Council generally indicate that Crown Land, where Council is the Trustee, will be managed in the same manner. Council has to update their plans periodically and it is a requirement of the Delivery Program 2013-17.

Amending the various plans of management will need to be done in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*.

Reclassifying land will need to be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2000* and the *Local Government Act 1993*. This will require a planning proposal to be prepared and forwarded to the Department of Planning and Environment for endorsement. The process also requires a public hearing chaired by an independent chairperson.

Policy

The proposal is consistent with the ongoing program of updating existing PoMs as identified in Council's Delivery Program 2013-17 as well as Council's broader duties under the *Local Government Act 1993*.

Environmental

Environmental implications are considered minimal for the placement of Council community land in various plans of managements or to be reclassified as operational land.

5.1 Council Community Land to be Placed in Various Plans of Management or to be Reclassified as Operational Land (Ref: C1662060; Author: Thompson/Kurzyniec) (Continued)

Asset

Reclassifying the subject land will give the Council the flexibility to use the asset to its highest and best use. This may include ongoing office accommodation, leasing options, sale or redevelopment if considered desirable.

Social / Cultural

There are considered to be no adverse social or cultural implications associated with the subject proposal. Ensuring community land is covered by an appropriate PoM ensures the community have greater certainty as to how that land will be managed into the future.

Economic

As noted, reclassifying the subject land will give the Council the flexibility to use the asset for its highest and best use. This may include ongoing office accommodation, leasing options, sale or redevelopment if considered desirable.

Strategic

Finalising the planning proposal will entail minor changes to *Queanbeyan Local Environmental Plan (LEP) 2012*.

Consultation

Council will be required to consult with the community in respect of both the proposed amendments to existing PoMs and the reclassification of those other remaining sites. The outcomes of this consultation will be reported back to the Council prior to either proposal being finalised.

The various plans of management documents will be placed on public exhibition for 28 days while allowing 42 days for the public to comment.

The draft planning proposal to reclassify Council community land to operational status will need to be exhibited for a minimum requirement of 28 days (subject to the Gateway determination from the Department of Planning & Environment). A public hearing will also need to be conducted after the public exhibition of the documents in respect of the proposed reclassifications. It is likely staff will run both public hearings consecutively.

Financial

Financial implications include administrative staff costs to prepare the various plans of management, the planning proposal, the costs associated with both the public exhibition and a public hearing chaired by an independent chairperson, advertising costs and hall hire (all which are all covered in the relevant cost centre).

5.1 Council Community Land to be Placed in Various Plans of Management or to be Reclassified as Operational Land (Ref: C1662060; Author: Thompson/Kurzyniec) (Continued)

Resources (including staff)

This project has been primarily managed by one staff member with additional input from the Executive Manager and Team Leader as required. The LIS/GIS branch have also assisted with the preparation of maps and updating the property database. There was also input from the Executive Manager Legal and Governance, Manager for Parks and Recreation and Manager Environment and Health.

Integrated Plan

This review is not identified as a project in the Delivery Program 2013-17, however is considered to be consistent with Council's ongoing obligations regarding the updating of PoMs and the management of its assets.

Conclusion

Amending the subject PoMs and reclassifying those sites as recommended will ensure Council has met its legislative obligations while also ensuring Council land is classified in a manner most appropriate to its functions and long term financial needs.

Attachments

Attachment 1	Community Land Management Recommendations May 2016 (<i>Under Separate Cover</i>)
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4. That Development Application 390-2015 for Mixed Use Development including shop top housing with 20 dwellings, 10 commercial tenancies (including a shop, retail premises and food and drink premises), health services facility, childcare centre, community centre, car parking, Community Title subdivision comprising 1 x community lot and 3 x development lots, strata subdivision of Building A, Strata Subdivision of Building B and Strata Subdivision of Building C on land at Lot 63 DP 1208211, Aprasia Avenue, Googong NSW 2620, be granted conditional approval subject to the submission of an amended BASIX Certificate and NATHERS Certificate.
5. That a review be undertaken of basement vehicular access and car parking controls within the Queanbeyan Development Control Plan and Googong Development Control Plan, particularly as they relate to requiring two-way access into basements.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Winchester, Burfoot, Brown, Trajanoski, McLennan and Bray

The 'Nayes' Nil

Absent Crs Cregan and Taylor

Cr Taylor returned to the chamber.

5. STRATEGIC DEVELOPMENT

5.1 Council Community Land to be Placed in Various Plans of Management or to be Reclassified as Operational Land

PDRC033/16

RESOLVED (McLennan/Trajanoski)

That Council:

1. Amend the identified Plans of Management as set out in Attachment 1 to this report; and
2. Reclassify the lands identified in Attachment 1 of this report from 'community' to 'operational' status under the Local Government Act 1993.

A **DIVISION** was called and resulted as follows:

The 'Ayes' Crs Overall, Whelan, Winchester, Burfoot, Brown, Taylor, Trajanoski, McLennan and Bray

The 'Nayes' Nil

Absent Cr Cregan