

6.3 DRAFT PLANNING PROPOSAL: DISCOVERY DRIVE, YASS

SUMMARY

Council purchased land in Discovery Drive in 2014 for the purpose of future development. It is currently classified as Community Land under the *Local Government Act 1993*. To facilitate its development and/or sale, it is required to be reclassified to Operational Land.

RECOMMENDATION

That:

1. *The draft Planning Proposal to reclassify land at Discovery Drive, Yass (PP.2022.02) be endorsed.*
2. *The draft Planning Proposal be forwarded to the Minister for Planning to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.*
3. *Provide public notice of the proposed reclassification of Lot 63 DP1079585 as required under s34 Local Government Act 1993.*

FINANCIAL IMPLICATIONS

Nil, however a public hearing chaired by a person independent of Council will be required.

POLICY & LEGISLATION

- *Environmental Planning & Assessment Act 1979*
- *Local Government Act 1993*
- *Yass Valley LEP 2013*

REPORT

1. Background

The subject land is described as Lot 63 DP1079585, with an area of 8,428m² and is zoned R1 General Residential. **Attachment A** shows the location of the subject site. The land forms stage 3 of the Discovery Drive development and the 2004 Development Consent for this stage (7 lots) remains valid. Council resolved to purchase the land after the (then) Mortgagee in Possession was unable to attract another buyer.

2. Report

Under the *Local Government Act 1993*, Council may before or within three months of acquisition resolve to classify the land as Community or Operational Land. Under s31(2A) of the Act any land that is not classified at the end of the three months following acquisition is taken to be Community Land.

The report regarding the purchase of the subject land was considered by Council in June 2014. Neither the report nor subsequent resolution of Council made any reference to the proposed classification of the land under the Act. It was clearly intended for future development, and it appears that this was an oversight not to classify the site as Operational Land at the time. The report stated

This land is currently on the market for sale and it is considered unlikely that it will be developed in the near future due to the development costs associated with the current development consent on the land. To ensure a suitable long-term outcome for the community it is concluded that the land in question would be best held in Council ownership. It could also be considered a long-term investment by Council if it proved feasible to close part of Reddall Street and develop additional residential blocks as part of the development of Lot 63.

Since that time, the property market in Yass has increased significantly in value. Council has also finalised the Yass Flood Risk Management Study and Plan which identifies a major overland flowpath

over the adjacent section of Reddall Street, removing any potential for conversion of part of this road reserve for additional residential development as suggested at the time of purchase. Once the land is reclassified Council can then determine its intention for the future of this land.

As the land was not classified as Operational Land by Council s27(1) of the Act states that reclassification of public land can occur by amending the *Yass Valley LEP 2013* via a Planning Proposal under the *Environmental Planning & Assessment Act 1979*. A draft Planning Proposal has been prepared and included as **Attachment B**. It is recommended that the draft be endorsed and forwarded to the Minister for Planning to request a Gateway determination. Public notice and a public hearing under the Act will be required.

STRATEGIC DIRECTION

Key Pillar	Our Environment
CSP Strategy	EN3: We have a robust planning framework that considers our rural character and natural landscapes
Delivery Program Action	EN3.1 - Develop sustainably, integrates environmental, social and economic factors which are in the best interests of the community and the region
Operational Plan Activity	Complete a planning proposal to insert planning controls from the Yass Floodplain Risk Management Study and Plan into the Yass Valley Local Environmental Plan 2013

ATTACHMENTS:	A. Locality Plan (<i>Under Separate Cover</i>)
	B. Draft Planning Proposal (<i>Under Separate Cover</i>)