

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.2 Draft Planning Proposal to Reclassify Part of Bunyip Park, Googong from Community Land to Operational Land (Ref: ; Author: Thompson/Kurzyniec)

File Reference: PJT0061-24-01

Recommendation

That the attached draft planning proposal to reclassify part of Bunyip Park, Googong from community land to operational land under the *Local Government Act (1993)* be forwarded to the NSW Department of Planning and Environment (DPE) to seek a Gateway determination.

Summary

The purpose of this report is to advise Council of the draft planning proposal that seeks to reclassify certain land at Googong Town Centre from community to operational status under the Local Government Act (1993) and to take all necessary actions to finalise it.

This is to allow the land to be transferred from Council ownership to the developers of the Googong Town Centre in order for it to be managed as part of a proposed future commercial space (predominantly seating to be used by nearby food and drink premises).

Background

At its meeting on 10 August 2022, Council resolved to agree in principle to the reclassification of the subject land (Resolution No. 315/22) from community to operational, for the purpose of transferring that land to Googong Township Pty Limited (GTPL), subject to Council's direct costs of the reclassification and transfer of the land being borne by GTPL; and preparation of a planning proposal for Council's consideration.

Council staff have now prepared a draft planning proposal to facilitate the reclassification of the land and this is provided at Attachment 1.

The subject land to be reclassified is part of Lot 342 DP 1259563 located at Glenrock Drive, Googong. The land was recently dedicated to Council as part a larger public reserve on 17 April 2022. The dedication of the public reserve was required under the Googong Urban Development Planning Agreement applying to the land between Council and Googong Township Pty Ltd (GTPL). The land was transferred at no cost to Council.

The reserve is classified as 'community' land under the Local Government Act (1993). The land to be reclassified is part of the proposed town centre for the Googong Township and will be used to provide for future seating and ancillary uses associated with proposed retail and commercial establishments to be constructed in the vicinity of the Town Centre. The land proposed to be reclassified has an area of 363m² (note the initial report of 10 August 2022 stated the area of the land is 323m² – this was incorrect).

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(Continued)**

Report

As noted, the draft planning proposal seeks to reclassify the subject land from 'community' to 'operational' status under the Local Government Act (1993). This will be done by amending the Queanbeyan Local Environmental Plan 2012 to include the subject land in Part 2 of Schedule 4 of the plan.

In the likelihood that Queanbeyan-Palerang Local Environmental Plan 2022 is notified (gazetted) before the end of this process then the same Part and Schedule of that LEP will be amended.

Having regard to applicable planning controls, Local Planning Direction '5.2 Reserving Land for Public Purposes' is relevant to this draft planning proposal, as it seeks to reduce the area of land reserved for public purpose. However, Council staff are of the view that this inconsistency is of minor significance in the circumstances as the area of the land is relatively small and will have negligible impact on the community's access and use of the broader area for public purposes.

Council staff accept there are benefits to the subject land being managed by GTPL as part of the adjacent commercial operations. Transferring the subject land back to the developer will ensure the area proposed for seating is maintained at the high standard expected by customers frequenting those establishments. With respect to social impacts, these will be negligible given the area of land proposed to be reclassified is relatively small in the context of the broader park.

As noted, Council staff have now prepared a draft planning proposal which will be submitted to NSW Department of Planning and Environment (DPE) to seek a Gateway determination (Attachment 1). Once a Gateway determination is received from DPE, the proposal will be placed on public exhibition for a minimum of 28 days.

After the public exhibition period has ended, Council will convene a public hearing in respect of the proposed reclassification. An independent chairperson is to be appointed by Council to hold the public hearing and prepare a draft a report on the outcomes of the public hearing (as required under the Local Government Act (1993)).

Once the report is finalised by the independent chairperson, staff will prepare a further report to Council on the outcomes of the exhibition and a recommendation as to whether the reclassification should be finalised.

Risk/Policy/Legislation Considerations

The draft planning proposal has been prepared in accordance with the relevant provisions of the Environmental Planning and Assessment Act (1979), the Environmental Planning and Assessment Regulations (2000) and the Local Government Act (1993).

Financial, Budget and Resource Implications

The applicant will be required to pay the cost of processing a planning proposal in accordance with Council's current fees. The required fees for the 2022-23 financial year are as follows:

1. Planning Proposal Inquiry Fee \$1,755,
2. Minor Planning Proposal Fee \$7,100 plus \$178 per hour after 40 hours,
3. Public Hearing Fee – Full Cost Recovery – based on past hearings this is likely to be \$5,000 - \$7,000.

Regarding the public hearing, the Independent Chairperson will be appointed by Council through a tender process. The full costs of the public hearing will be recovered from GTPL.

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Links to QPRC/Regional Strategic Plans

The draft planning proposal is considered to be consistent with the Queanbeyan-Palerang Regional Council Local Strategic Planning Statement (2020) and the Queanbeyan Residential and Economic Strategy (2031).

Conclusion

The draft planning proposal to reclassify part of Lot 342 DP 1259563 should now proceed to a Gateway determination. The area is relatively small, and the proposal will potentially facilitate a better option for adjacent local businesses in respect of providing seating for customers and landscaping.

Accordingly, it is recommended that Council now agree to the submitted draft planning proposal being formally progressed.

Attachments

Attachment 1	Final Planning Proposal - Reclassify Part of Bunyip Park - Googong (Under Separate Cover)
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- 407/22 **9.2 Draft Planning Proposal to Reclassify Part of Bunyip Park, Googong from Community Land to Operational Land**
RESOLVED (Taskovski/Biscotti)
That the attached draft planning proposal to reclassify part of Bunyip Park, Googong from community land to operational land under the *Local Government Act (1993)* be forwarded to the NSW Department of Planning and Environment (DPE) to seek a Gateway determination.

The resolution was carried unanimously.
- 408/22 **9.3 Draft Amendment to South Jerrabomberra Development Control Plan 2015**
RESOLVED (Ternouth/Wilson)
That Council adopt the exhibited amendments to South Jerrabomberra Development Control Plan 2015.

The resolution was carried unanimously.
- 409/22 **9.4 Proposed Road Naming - Braidwood Ridge, Braidwood**
RESOLVED (Livermore/Willis)
That Council:
 1. Endorse in principle the names Musgrave, McGrath and Feehan Streets as the proposed names for the new roads created by the subdivision approval for Stages 5, 6, 7, 8 and 9 under DA 2004/DEV-0074 known as Braidwood Ridge.
 2. Advertise the names for public comment for 28 days.
 3. Publish a notice in the NSW Government Gazette if no objections are received.
The resolution was carried unanimously.
- 410/22 **9.5 QPRC Library Strategy 2022-2026**
RESOLVED (Biscotti/Willis)
That Council:
 1. Place the QPRC Library Strategy 2022-2026 on public exhibition via Your Voice for 28 days.
 2. Adopt the QPRC Library Strategy 2022-2026 if no submissions are received.
 3. If submissions are received, receive a further report considering the submissions made during the exhibition period.
The resolution was carried unanimously.