

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.3 Planning Proposal to Reclassify part of Bunyip Park, Googong from Community Land to Operational Land (Author: Ormella/Kurzyniec)

File Reference: PJT0061-24-02

Recommendation

That Council proceed with the planning proposal to reclassify part of Bunyip Park, Googong (Lot 342 DP 1259563) from community to operational land in accordance with the *Local Government Act (1993)*.

Summary

The purpose of this report is to update Council with respect to reclassifying part of Bunyip Park, Googong from community land to operational land in accordance with the *Local Government Act (1993)*. This report also seeks Council's agreement to take all other necessary actions to finalise the planning proposal to reclassify the subject land.

This is to allow land to be transferred from Council ownership to the developer of the Googong Town Centre 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

Council previously resolved to agree in principle to the reclassification of the subject land on 10 August 2022 (**Resolution No 315/22**) from community to operational land and to transfer the land to Googong Township Pty Limited (GTPL). The costs of the reclassification and transfer of the land will be borne by GTPL.

At its meeting on 12 October 2022 (**Resolution No 407/22**), Council further resolved that the 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.

A Gateway determination was issued by DPE to proceed with this planning proposal under delegation on 4 November 2022.

The subject land to be reclassified is part of Lot 342 DP 1259563 located at 19 Glenrock Drive Googong (Attachment 1). The land was recently dedicated to Council as part of a larger public reserve on 17 April 2020. The dedication of the public reserve was required under the Googong Urban Development Planning Agreement between Council and GTPL and applying to the land. 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 proposed land to be reclassified has an area of 363m².

Report

As noted, the draft planning proposal seeks to reclassify the subject land from community land to operational land under the *Local Government Act (1993)*. This will be done by amending

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the *Queanbeyan-Palerang Regional Local Environmental Plan (2022)* to include the subject land in Part 2 of Schedule 4 Classification and reclassification of land of the plan.

The draft planning proposal was placed on public exhibition from 22 November 2022 to 27 January 2023 (the minimum requirement is usually 28 days, however, due to Christmas and New Year, the advertising period was extended). No submissions were received by Council.

The public hearing was chaired by an independent chair, Mr Glenn Allen, from AQ Planning, in accordance with section 47G (2) of the *Local Government Act (1993)* (Attachment 1).

The public hearing was held on Tuesday 28 February 2023 at the Googong Community Centre at 5.30pm. No members of the public attended the hearing, and no submissions were received. Staff attended as did a representative of GTPL.

The independent chair has provided Council with the final report, which has been placed on Council's Your Voice (Attachment 1).

The following section sets out the conclusions and recommendations by the independent chairperson from the report:

Following consideration of the statutory provisions and matters clarified at the public hearing it is our recommendation that the reclassification proposal could proceed, should Council resolve to proceed with the planning proposal to reclassify the subject land to operational, based on the following:

- 1. The proposed reclassification is not considered contrary to the public interest as the community have raised no objections regarding the proposed reclassification, no submissions were received, and no members of the general public attended the public hearing,*
- 2. The site area is considered minor being 363m² of an existing 2.25hectare lot, the balance of which would remain as community land,*
- 3. As the land transfer for the existing Bunyip Park to Council is relatively recent a Plan of Management (PoM) does not currently exist for the Park, although Council staff advised that a PoM will be prepared. In this regard the proposal is unable to be assessed against a PoM although it is noted that the draft planning proposal states that Council has adequately considered the implications for open space in the Googong urban release area and that as the open space will continue to be used by the community, but proposed to be managed by the developer (GTPL), Council consider that it will have negligible impact on the community's access and use of the broader area for public purposes,*
- 4. The proposed reclassification is not intended to impact, limit or reduce the community's access to Bunyip Park as the broader Bunyip Park area will be retained by Council and classified as community land.*

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 Regulation (2021)* and the *Local Government Act (1993)*.

Financial, Budget and Resource Implications

The applicant has paid the costs incurred thus far of processing the planning proposal in accordance with Council's current schedule of fees and charges. The applicant is required to also pay the cost of the independent chairperson who was appointed by Council to hold the

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public hearing and who prepared the report on the outcomes of the public hearing (as required under the *Local Government Act (1993)*).

The required fees are as follows:

1. Public Hearing Fee - AQ Planning \$7,426 including GST,
2. Hire of Googong Community Centre & Catering - \$260 including GST.

Links to QPRC/Regional Strategic Plans

The draft planning proposal is consistent with the programs and outputs for the Land-Use Planning branch as identified in the Operational Plan 2022-23.

Conclusion

Council has now undertaken all the necessary actions up to this point under the relevant legislation to finalise the reclassification of the subject site. The independent chairperson engaged to run the public hearing has provided the report and has recommended Council proceed with the reclassification of the land in this instance (Attachment 1). Taking all matters into consideration it is concluded that Planning Proposal should be finalised.

Attachments

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| Attachment 1 | Public Hearing Report - Proposed Reclassification - Part Lot 342 DP 1259563, Googong (<i>Under Separate Cover</i>) |
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2. Development Application DA.2022.1574 for the construction of a two (2) storey dwelling house on Lot 23 DP 1282739, No 25 Whitton Rise Bungendore NSW 2621 be granted conditional approval.

For: Crs Biscotti, Burton, Grundy, Livermore, Macdonald, Preston, Taskovski, Webster, Wilson and Winchester
Against: Cr Willis

9.2 Amendment to Googong Development Control Plan 2010

081/23

RESOLVED (Biscotti/Wilson)

That Council place on public exhibition the new Part 10 of the Googong Development Control Plan (2010) as proposed for 28 days in accordance with Council's Community Engagement and Participation Plan.

For: Crs Biscotti, Burton, Grundy, Livermore, Macdonald, Preston, Taskovski, Webster, Wilson and Winchester
Against: Cr Willis

9.3 Planning Proposal to Reclassify part of Bunyip Park, Googong from Community Land to Operational Land

082/23

RESOLVED (Preston/Burton)

That Council proceed with the planning proposal to reclassify part of Bunyip Park, Googong (Lot 342 DP 1259563) from community to operational land in accordance with the Local Government Act (1993).

The resolution was carried unanimously.

9.4 Post-Exhibition Report - Bin Inspection and Contamination Policy

083/23

RESOLVED (Willis/Grundy)

That Council adopt the Bin Inspection and Contamination Policy as attached.

The resolution was carried unanimously.