



Title: Council Land

Category: Support - Physical resource management

Key words: Council owned land, zoning, rezoning, certification, Operational land, community land, development application, public exhibition

File number: Required

Policy owner: Director Corporate Services (Corporate Services)

Authorisation: 10 December 1992 by Council Minute 472

Review date: This policy is to be **Revised** by 30 June 2007

Modification history:

Related legislation:

Related policies:

Related procedures:

Policy:

THAT the following policy be adopted in respect of Council dealing with matters in which it has a proprietary interest:-

1. For rezoning of land owned and controlled by Council or land previously owned or controlled by Council where any aspect of the proposed zoning is or was subject of an agreement or undertaking between the purchaser and the Council.
 - (a) That certification under Section 65 be sought from the Department of Planning rather than using the delegations under the Environmental Planning and Assessment Act.
 - (b) That in the case of major rezonings of particular land, rather than rezonings that are not the prime purpose of a Local Environmental Plan, that an independent person be engaged to report on the proposal, and that the report be publicly available and submissions invited before Council makes a decision.

Policy continued:

2. Where a development application for building works is lodged in respect of:-
 - (a) "Operational Land" owned and controlled by Council or land previously owned or controlled by Council where any aspect of the proposed rezoning is or was the subject of an agreement or undertaking between the purchaser and Council.
 - (i) The provisions of State Environmental Planning Policy No. 1 not be used unless the concurrence of the Director of Planning is obtained;
 - (ii) A report is obtained from an independent person on the proposal and that the report be made publicly available and submissions invited before Council makes a decision.

Provided that this procedure need not be carried out for changes of use or minor alterations or minor building works if these have been placed on public exhibition and submissions invited prior to Council making a decision.

- (b) "Community Land" that - any proposal be placed on public exhibition and persons likely to be affected be invited to make submissions prior to Council's consideration of the proposal.