

Planning Proposal to Reclassify Land at Lot 18 DP 548244 - 12 Rutledge Street Queanbeyan from "Community" to "Operational" Land

Proposal Title : Planning Proposal to Reclassify Land at Lot 18 DP 548244 - 12 Rutledge Street Queanbeyan from "Community" to "Operational" Land

Proposal Summary : The planning proposal seeks to reclassify land at Lot 18 DP 548244 - 12 Rutledge Street Queanbeyan from 'Community' to 'Operational' land.

PP Number : PP_2015_QUEAN_003_00 **Dop File No :** 15/16324

Proposal Details

Date Planning Proposal Received : 04-Nov-2015 **LGA covered :** Queanbeyan

Region : Southern **RPA :** Queanbeyan City Council

State Electorate : MONARO **Section of the Act :** 55 - Planning Proposal

LEP Type : Reclassification

Location Details

Street : 12 Rutledge Street

Suburb : **City :** Queanbeyan **Postcode :** 2620

Land Parcel : Lot 18 DP 548244

DoP Planning Officer Contact Details

Contact Name : George Curtis

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RPA Contact Details

Contact Name : Chris Kurzyniec

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DoP Project Manager Contact Details

Contact Name : Deanne Frankel

Contact Number : 0242249468

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Land Release Data

Growth Centre : N/A **Release Area Name :** N/A

Regional / Sub Regional Strategy : Sydney-Canberra Corridor **Consistent with Strategy :** Yes

Regional Strategy : Regional Strategy

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MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : Currently 12 Rutledge Street Queanbeyan is classified as 'Community' land and is owned by Queanbeyan City Council. It is zoned B3 Commercial Core under the Queanbeyan Local Environmental Plan 2012 (LEP).

The land contains a two storey building of which the ground floor is currently leased to Queanbeyan Multilingual Centre, whilst the first floor contains Council's Strategic Land Use Planning Team. The site has an area of 663.9sq.m. The adjoining lots on the corner of Rutledge and Crawford Street, which are also owned by the Council, area are classified as operational land.

Council has determined that reclassifying the site allows flexibility to manage the land for the highest and best use into the future, including allowing for redevelopment or sale if considered desirable.

External Supporting Notes : Currently 12 Rutledge Street Queanbeyan is classified as 'Community' land and is owned by Queanbeyan City Council. It is zoned B3 Commercial Core under the Queanbeyan Local Environmental Plan 2012 (LEP).

The land contains a two storey building of which the ground floor is currently leased to Queanbeyan Multilingual Centre, whilst the first floor contains Council's Strategic Land Use Planning Team. The site has an area of 663.9sq.m. The adjoining lots on the corner of Rutledge and Crawford Street, which are also owned by the Council, area are classified as operational land.

Council has determined that reclassifying the site allows flexibility to manage the land for the highest and best use into the future, including allowing for redevelopment or sale if considered desirable.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The stated objectives of the planning proposal are to reclassify land at Lot 18 DP 548244 - 12 Rutledge Street Queanbeyan from "Community" to "Operational" status under the Local Government Act 1993.

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The statement of the objectives provided is considered to be adequate and meets the requirements of Part 1 of the Department's guide to preparing planning proposals.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of the provisions provided in the planning proposal is that the reclassification will be identified within Schedule 4 Part 1 ('no interests changed') of the Queanbeyan Local Environmental Plan 2012 in accordance with Clause 5.2(4) of the LEP. This is appropriate given that the planning proposal indicates that it does not seek to change any trusts, estates, interests, dedications, conditions, restrictions, or covenants on the land.**

The explanation of provisions provided is considered to be adequate and meets the requirements of Part 2 of the Department's guide to preparing planning proposals.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

The Planning Proposal has not identified any specific Section 117 Direction or State Environmental Planning Policy that are relevant to the planning proposal.

It is considered that Section 117 Direction 6.2 'Reserving Land for Public Purposes' is particularly relevant to the planning proposal. This requires the Secretary's agreement to alter existing reservations of land for public purposes.

Section 117 Directions 1.1 'Business and industrial zones' and Direction 5.1 'Implementation of Regional Strategies' are also considered to be particularly relevant to the planning proposal.

Council has requested the use of the Minister's delegations for plan making. The planning proposal does not seek to change any interests in the land and so the Governor's approval is not required. It is considered appropriate for Council to be able to use the Minister's plan making delegations for the planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Section 117 Direction 1.1 'BUSINESS AND INDUSTRIAL ZONES':

This Direction applies to the planning proposal as it will affect land within a B3 Commercial Core Zone. The proposal is considered to be CONSISTENT with this Direction as it does not seek to reduce the area and location of existing business zones nor reduce the total potential floor space area for employment uses and related public services in the business zone.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with Direction 1.1 Business and Industrial Zones.

Section 117 Direction 6.2 'RESERVING LAND FOR PUBLIC PURPOSES':

The proposal is considered to be CONSISTENT with this Direction as the Gateway

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determination will issue the necessary approval.

RECOMMENDATION: The Secretary of the Department approves of the proposal to alter the reservation of land for public purposes from 'community' to 'operational' status.

Section 117 Direction 5.1 'IMPLEMENTATION OF REGIONAL STRATEGIES'.

The Sydney-Canberra Corridor Regional Strategies applies to the Queanbeyan LGA which is identified as a Major Regional Centre providing the majority of commercial and retail growth in the region. The planning proposal is not considered to be inconsistent with the vision, policies, outcomes or actions of the Regional Strategy. In particular the proposal will not have a negative impact on the existing use of the lot to provide for office space and employment in the Queanbeyan commercial core.

RECOMMENDATION: The Secretary can be satisfied that the planning proposal is consistent with Direction 5.1 Implementation of Regional Strategies.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : The planning proposal includes a site map for the purposes of public exhibition. The planning proposal does not include any specific LEP maps as it only involves an amendment to Schedule 4 'Classification and reclassification of public land' of the Queanbeyan LEP 2012.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal states that it is intended to exhibit the proposal for 28 days. No consultation is proposed with public authorities given the minor nature of the proposal. It is considered that the community consultation proposed is appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : The proposal meets all six parts of preparing a planning proposal in accordance with the Department's guidelines.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Queanbeyan LEP was notified in 2012.

Assessment Criteria

Need for planning proposal : The planning proposal is needed to facilitate an amendment of the Queanbeyan LEP 2012 to reclassify the subject land from 'Community' to 'Operational'. This will provide flexibility to manage the land for the highest and best use into the future, including allowing for redevelopment for sale if considered desirable.

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Consistency with strategic planning framework :

The planning proposal indicates that it is consistent with the Queanbeyan City Council Community Strategic Plan 2013-2023 which requires Council to "review its plans, policies and strategies to meet changing factors in the community."

The planning proposal also indicates that it is consistent with the Queanbeyan City Council Operational Plan 2015-16 which states that "Council should undertake a planning proposal to reclassify 12 Rutledge Street to operational land" (p.90).

The Planning Proposal is not considered to be inconsistent with the Sydney-Canberra Corridor Regional Strategy.

As previously mentioned, the planning proposal is not considered to be inconsistent with applicable SEPPs and Section 117 Directions.

Environmental social economic impacts :

The planning proposal states that given the nature of the proposal being an existing developed building, no adverse environmental impacts are anticipated.

The proposed reclassification of the land to "operational" status will give Council flexibility to manage the the land for the highest and best use into the future, including allowing for redevelopment or sale if considered desirable. This could potentially result in the loss of the land for community purposes. It will be important for Council to consult with the community on its views concerning these matters during the public exhibition of the planning proposal and proposed public hearing.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The matter should proceed so that the communities views can be sought on the proposed reclassification of the site to operational status.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Council letter.pdf	Proposal Covering Letter	Yes
Planning Proposal to Reclassify Land at Lot 18 DP 548244 - 12 Rutledge Street from Community to Operational.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **It is RECOMMENDED that the Acting General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Queanbeyan LEP 2012 to reclassify land at Lot 18 DP 548244 - 12 Rutledge Street Queanbeyan from 'Community' to 'Operational' land should proceed subject to the following conditions:**

- 1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal must be made publicly available for 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.**
- 2. Consultation is not required with any public authorities.**
- 3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).**
- 4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.**
- 5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.**
- 6. SECTION 117 DIRECTIONS - It is recommended that:**
 - (a) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Directions 1.1 Business and Industrial Zones and 5.1 Implementation of Regional Strategies.**
 - (b) The Secretary's delegate approves the proposal to alter the existing zoning of land reserved for public purposes under Direction 6.2 Reserving Land for Public Purposes.**
 - (c) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and**
 - (e) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.**
- 7. The planning proposal is considered to be consistent with all relevant SEPPs.**

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Supporting Reasons :

Signature:



Printed Name:

Deanne Frankel Date: 16/11/15

