

Amend Queanbeyan LEP 2012 to reclassify 5 sites to Operational Land

Proposal Title : **Amend Queanbeyan LEP 2012 to reclassify 5 sites to Operational Land**

Proposal Summary : **Council seeks to amend Queanbeyan LEP 2012 to reclassify the following 5 sites from Community Land to Operational Land. Council does not intend to seek changes to any trusts, estates, interests, dedications, conditions, restrictions, or covenants on these sites.**

- 1. 4 Gregg Place Crestwood (Lot 64 DP 1150423) 1,539 square metres**
- 2. 17 Dunn Street Queanbeyan West (Lot 52 DP 262335) 131.1 square metres**
- 3. 2 Faunce Street Queanbeyan East (Lot 24 DP 241159) 5,210 square metres**
- 4. 500 Trig Lane Carwoola (Lot 6 DP 270584) 5,210 square metres**
- 5. 6655 Kings Highway Carwoola (Lot 7 DP 270584) 4,216 square metres**

PP Number : **PP_2016_QPREG_001_00**

Dop File No : **16/09236**

Proposal Details

Date Planning : **14-Jul-2016**

Proposal Received :

LGA covered :

Queanbeyan-Palerang Regic

Region : **Southern**

RPA :

Queanbeyan-Palerang Regional

State Electorate : **MONARO**

Section of the Act :

55 - Planning Proposal

LEP Type : **Reclassification**

Location Details

Street : **4 Gregg Place**

Suburb : **Crestwood**

City : **Queanbeyan**

Postcode : **2620**

Land Parcel : **Lot 64 DP 115423**

Street : **17 Dunn Street**

Suburb : **Queanbeyan West**

City : **Queanbeyan**

Postcode : **2620**

Land Parcel : **Lot 52 DP 262335**

Street : **2 Faunce Street**

Suburb : **Queanbeyan East**

City : **Queanbeyan**

Postcode : **2620**

Land Parcel : **Lot 24 DP 241159**

Street : **500 Trig Lane**

Suburb : **Carwoola**

City : **Queanbeyan**

Postcode : **2620**

Land Parcel : **Lot 6 DP 270584**

Street : **6655 Kings Highway**

Suburb : **Carwoola**

City : **Queanbeyan**

Postcode : **2620**

Land Parcel : **Lot 7 DP 270584**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Deanne Frankel**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Sydney-Canberra Corridor Regional Strategy	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	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 :

External Supporting Notes : **Council confirmed in an email dated the 11 July 2016 that it does not intend to sell the land associated with the 5 sites.**

Council has identified the current use of the sites and the reasons why it is reclassifying the sites to Operational Land.

- 1. 4 Gregg Place Crestwood - contains public drainage structures**
- 2. 17 Dunn Street Queanbeyan West - Located at the end of a street and used to prevent**

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the movement of industrial vehicles into a residential area.

3. 2 Faunce Street Queanbeyan East - contains Carwoola water pump station.

4. 500 Trig Lane Carwoola - long 'L' shaped lot adjoining a private access. Restricted access to the public - not to be used for community purposes.

5. 6655 Kings Highway Carwoola - elongated lot comprising dirt track adjacent to the Kings Highway. May have been the old road prior to the formation of the current Kings Highway alignment.

Adequacy Assessment

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

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

Comment : The PP clearly states that Council seeks to amend Queanbeyan LEP 2012 to reclassify the following 5 sites from Community Land to Operational Land. Council does not intend to seek changes to any trusts, estates, interests, dedications, conditions, restrictions, or covenants on these sites.

1. 4 Gregg Place Crestwood (Lot 64 DP 1150423) 1,539 square metres
2. 17 Dunn Street Queanbeyan West (Lot 52 DP 262335) 131.1 square metres
3. 2 Faunce Street Queanbeyan East (Lot 24 DP 241159) 5,210 square metres
4. 500 Trig Lane Carwoola (Lot 6 DP 270584) 5,210 square metres
5. 6655 Kings Highway Carwoola (Lot 7 DP 270584) 4,216 square metres

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

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

Comment : The PP clearly states that Council will reclassify the 5 sites to Operational Land by inserting the sites under Schedule 4 Part 1 of the Queanbeyan LEP 2012.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

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 Council has not identified any s117 Directions or SEPPs that are applicable to the proposed reclassification of land.

Council has clearly stated that the reclassification of the 5 sites does not involve changes to any trusts, estates, interests, dedications, conditions, restrictions, or covenants on these sites. On that basis the PP does not trigger 117 Direction 6.2 Reserving Land for Public Purposes.

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

If No, explain : Council has not identified any inconsistencies with s117 Directions or SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : The reclassification of the 5 sites does not involve any amendments to the LEP maps.

The PP includes air photos and cadastre to identify the 5 sites.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to exhibit the PP for 28 days and undertake a public hearing in accordance with the Local Government Act 1993.**

RECOMMENDATION:

That Council undertake a minimum of 28 days for community consultation on the reclassification of the 5 sites.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

A PP to reclassify land must provide a reason why Council intends to extinguish any interests in the land.

Council has clearly stated that the reclassification of the 5 sites does not involve changes to any trusts, estates, interests, dedications, conditions, restrictions, or covenants on these sites.

Overall adequacy of the proposal

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

If No, comment : **The PP meets the adequacy criteria and can proceed to the assessment stage of the process.**

Council has requested an Authorisation to exercise delegation for the planning proposal. However, as this is a reclassification for a newly amalgamated Council, the Acting Executive Director has advised that delegation for planning making is not to be issued to Council.

Recommendation: Delegation for plan making is to remain with the Department.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Queanbeyan LEP 2012 (Standard Instrument LEP) was notified in 2012.**

Assessment Criteria

Need for planning proposal : **The PP is a result of an investigation by Council of 162 parcels of community land not covered by a community plan under the Local Government Act 1993. The 5 sites are a result of investigations by Council staff to determine which parcels should be converted to Operational Land because they are not used for a community use.**

Consistency with strategic planning framework : **Queanbeyan Residential and Economic Strategy 2013
The PP to reclassify land is not considered to be inconsistent with Council's adopted land use planning strategy.**

**Sydney Canberra Corridor Regional Strategy 2007-31
The PP to reclassify land is not considered to be inconsistent with this regional strategy.**

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Environmental social
economic impacts :

The reclassification to Operational Land is being undertaken to reflect the current use and status of the 5 sites and is unlikely to have any adverse environmental, social or economic impacts.

Assessment Process

Proposal type : **Routine** 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 : **RECOMMENDATION: The PP to reclassify the 5 sites from Community Land to Operational Land should be issued with a Gateway Determination subject to conditions on community consultation and 12 month time frame to complete the draft LEP.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No further studies required for the reclassification of the 5 sites to Operational Land.

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 :

Documents

Document File Name	DocumentType Name	Is Public
Signed Letter to Department of Planning ~etermination - Reclassification of 5 Various Lots from Community to Operational (002).pdf	Proposal Covering Letter	Yes
Email_David_Carswell_PP_Reclass_20160711.pdf	Proposal	Yes
Planning Development Review Committee ~s - 11 May 2016 - Council Community Land to be Reclassified as Operational Land.pdf	Proposal	Yes
Planning ProposalV2.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

Additional Information : **That the Acting Director Regions, as delegate of the Minister for Planning, determine**

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under section 56(2) of the EP&A Act that an amendment to the Queanbeyan Local Environmental Plan 2012 to reclassify the five sites below from Community Land to Operational Land (no interests changed) should proceed subject to the following conditions:

- Site 1. 4 Gregg Place Crestwood (Lot 64 DP 1150423),
- Site 2. 17 Dunn Street Queanbeyan West (Lot 52 DP 262335),
- Site 3. 2 Faunce Street Queanbeyan East (Lot 24 DP 241159),
- Site 4. 500 Trig Lane Carwoola (Lot 6 DP 270584), and
- Site 5. 6655 Kings Highway Carwoola (Lot 7 DP 270584)

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 (Department of Planning and Infrastructure 2013).

2. No consultation is required with the public authorities under section 56(2)(d) of the EP&A Act:

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.

Supporting Reasons :

Signature:



Printed Name:

Deanne Frankel

Date:

14 / 7 / 16