

# Planning Proposal to Reclassify Various Council Owned Land from 'Community' to 'Operational' Status

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## Planning Proposal to Reclassify Various Council Owned Land from 'Community' to 'Operational' Status

### Introduction

This is a planning proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act),* in relation to a proposed amendment to the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012).* 

This planning proposal seeks to reclassify various Council land from 'community' to 'operational' status under the *Local Government Act, 1993 (LG Act)*. The following five (5) lots to be reclassified are:

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



### Subject Land

Aerial photographs of the subject sites are shown at Figures One to Five below.

Figure One – Council owned land at 4 Gregg Place Crestwood NSW 2620 (Lot 64 DP 1150423)



4 Gregg Place Crestwood is owned by the Council and is currently classified as 'community' land. The land is zoned IN2 Light Industrial under *QLEP 2012*. The site (shown bordered red above) is a narrow level lot that interconnects Gregg Place (cul de sac) and Morton Road. The site has an area of 1,539 m<sup>2</sup> and contains a number of drainage structures along the vacant lot. The site is predominantly covered with exotic vegetation.

The subject land is described as a drainage reserve to drain sewage and water. It will continue to be used as a drainage reserve.

There is no intention to extinguish any trusts, estates, interests, dedications, conditions, restrictions, or covenants affecting the subject land.

It is recommended the land be reclassified as 'operational' given its function is to service infrastructure. A copy of the title of the land is provided at Appendix A.



**Figure Two** – Council owned land at 17 Dunn Street Queanbeyan West NSW 2620 (Lot 52 DP 262335)



17 Dunn Street Queanbeyan West is owned by the Council and is currently classified as 'community' land. It is zoned R2 Low Density Residential under *QLEP 2012*. The site (shown bordered red above) is situated between Gordon Avenue and Dunn Street and contains an informal walkway (no concrete or paved path) on the western side of the lot. The site contains low grasslands and a few tall trees. The end of Gordon Avenue is approximately 30m from the site. The site has an area of 131.1 m<sup>2</sup>.

It appears the land may have been dedicated to/acquired by Council in the past to prevent any road connection through this predominantly residential area to the nearby industrial area in West Queanbeyan

There is no intension to extinguish any trusts, estates, interests, dedications, conditions, restrictions, or covenants affecting the subject land and none have been identified.

It is recommended the land be reclassified as 'operational' given its key function appears to be to prevent the movement of commercial and heavy vehicles from industrial zoned land through residential zoned land. A copy of the title of the land is provided at Appendix A.



**Figure Three** – Council owned land at 2 Faunce Street Queanbeyan East NSW 2620 (Lot 24 DP 241159)



2 Faunce Street Queanbeyan East is owned by the Council and is currently classified as 'community' land. It is zoned IN2 Light Industrial under *QLEP 2012*. The site (shown bordered red above) is a small level lot within East Queanbeyan Industrial Zone. The site contains a small structure which contains a water pump station (Carwoola Water Pump Station). The site has an area of 132.79 m<sup>2</sup>.

The title for the subject site notes an easement for a water supply pipeline is appurtenant to the subject land. This will remain on the title.

There is no intension to extinguish any trusts, estates, interests, dedications, conditions, restrictions, or covenants affecting the subject land.

It is recommended the land be reclassified as operational given its key function is to service infrastructure. A copy of the title of the land is provided in Appendix A.



Figure Four – Council owned land at 500 Trig Lane Carwoola NSW 2620 (Lot 6 DP 270584)

500 Trig Lane Carwoola is owned by the Council and is currently classified as 'community' land. It is zoned E3 Environmental Management under *QLEP 2012*. The site (shown bordered red above) is a narrow L shaped lot south of Trig Lane. The site adjoins a private driveway and is closed with a locked metal gate. The site contains native trees and vegetation. The site has an area of  $5,210 \text{ m}^2$ .

The subject land is described as a public reserve on the title. The site contains an easement for overhead powerlines, and is partly effected by a 'right of carriageway'. There is no intention to amend any of these arrangements. The site will remain as a public reserve.

There is no intension to extinguish any trusts, estates, interests, dedications, conditions, restrictions, or covenants affecting the subject land.

It is recommended the land be reclassified as 'operational' given its restricted access to the general public and is not used for community purposes. A copy of the title of the land is provided at Appendix A.



Figure Five – Council owned land at 6655 Kings Highway Carwoola NSW 2620 (Lot 7 DP 270584)



6655 Kings Highway Carwoola is owned by the Council and is currently classified as 'community' land. It is zoned E4 Environmental Living under *QLEP 2012*. The site (shown bordered red above) is south of Kings Highway on the eastern outskirts of Queanbeyan. The land is undulating and contains native vegetation and native trees. It appears to contain a dirt track on the western side (and may have been the old road). The site has an area of 4,216 m<sup>2</sup>.

The subject land is described as a public reserve on the title. The site contains an easement for overhead powerlines. These existing arrangements will remain.

There is no intension to extinguish any trusts, estates, interests, dedications, conditions, restrictions, or covenants affecting the subject land.

It is recommended the land be reclassified as 'operational' given it is not used for community purposes. A copy of the title of the land is provided at Appendix A.



### Part 1 – Objective or Intended Outcomes

This planning proposal seeks to reclassify various land within the former Queanbeyan City Council from 'community' to 'operational' status under the *Local Government Act, 1993 (LG Act).* 

The following five (5) lots to be reclassified are:

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

### Part 2 – Explanation of the Provisions

The reclassification will be identified within Schedule 4 Part 1 of *QLEP 2012* in accordance with Clause 5.2(4) of the LEP.

The proposal does not seek to change any trusts, estates, interests, dedications, conditions, restrictions, or covenants currently applying to any of the respective lands.

### Part 3 - Justification

### Section A – Need for the Planning Proposal

#### 1. Is the planning proposal a result of any strategic study or report?

No. However, the planning proposal is considered to be of local significance only and will require both public exhibition and a public hearing under the *LG Act*. The objective of the proposal in this instance is to classify land consistent with other Council assets. Many of the sites have limited community access or contain operational infrastructure.

Council resolved at its Council's Planning and Development Review Committee Meeting of 11 May 2016 that the subject land be reclassified in accordance with the *(LG Act).* 

# 2. Is the Planning Proposal consistent with Council's community plan, or other local strategic plan?

The planning proposal is considered consistent with the *Queanbeyan City Council Community Strategic Plan 2013-2023* specifically the relevant sections relating to plans and policies (See Section B below for further advice).



3. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided.

As previously noted, there is no intention to extinguish any trusts, estates, interests, dedications, conditions, restrictions, or covenants on any of the lands.

# 4. The concurrence of the landowner where the land is not owned by the relevant planning authority.

The subject land is owned by the Council in this instance. See Appendix A.

#### Section B – Relationship to Strategic Planning Framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, sub-regional strategy or local strategy?

The relevant regional strategy is the *Sydney-Canberra Corridor Strategy 2006-31*. The planning proposal is considered consistent with this Strategy.

The planning proposal is considered consistent with the Queanbeyan Residential and Economic Strategy 2031.

#### 2. Is the planning proposal consistent with Council's Community Strategic Plan?

As noted, the planning proposal is considered consistent with the *Queanbeyan City Council Community Strategic Plan 2013-2023* specifically the relevant sections relating to plans and policies.

The net community benefit in preparing the planning proposal is to ensure that the land is classified consistent with other similar Council assets to allow flexibility in managing the land for its highest and best use into the future.

## 3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is not inconsistent with any SEPPs.

## 4. Is the planning proposal consistent with applicable Minister Directions (s.117 Directions)?

This planning proposal is not inconsistent with any s117 Ministerial Directions.

#### Section C – Environmental, Social and Economic Impact

1. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The proposal in this instance is to reclassify the land only and no adverse impacts on any environmental qualities will occur.



# 2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Given the nature of the proposal no adverse environmental effects are anticipated.

## 3. How has the planning proposal adequately addressed any social and economic effects?

No social or economic impacts are likely given the nature of the proposal. Council owns each individual lot and the planning proposal seeks to ensure land is classified for its highest and best use.

#### Section D – State and Commonwealth Interest

#### 1. Is there adequate public infrastructure for the planning proposal?

Given the nature of the proposal (reclassification of land from community to operational land) the provision of public infrastructure is not considered relevant.

## 2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

There is no intention to consult any State or Commonwealth authorities in respect of the planning proposal. The planning proposal is of local significance only.

### Part 4 - Mapping

There are no mapping amendments associated with this proposal.

### Part 5 - Community Consultation

It is intended to exhibit the planning proposal for a minimum of 28 days. Council will also be arranging a public hearing in respect to this planning proposal to reclassify community land as operational land.

No consultation with any public authorities is proposed to be undertaken given the nature of the planning proposal.

### Part 6 - Project Timeline

It is estimated that this amendment to *QLEP 2012* will be completed by February 2017. An indicative project timeframe is provided in Table One below.

Table One – Project Timelines

Task	Anticipated 2016/2017 timeframes
Report to Council (PDRC)	11 May 2016



### Planning Proposal to Reclassify Various Council Owned Land from 'Community' to 'Operational' Status

Planning Proposal preparation	May/June 2016
Gateway Determination	July 2016
Public Exhibition	August/September 2016
Dates of Public Hearing	October/November 2016
Report to Council including considerations of submissions	November/December 2016
Submission to Department to finalise the LEP	January 2016/February 2017

Accordingly, it is the view of the Council that the planning proposal should be completed within 9 months of receiving a Gateway determination.

Council intends to exercise its delegations to progress the draft plan.



## Appendix A – Certificates of Title

No 1: 4 Gregg Place Crestwood NSW 2620 (Lot 64 DP 1150423)

	BOX 1W (DP1150423)	NEW SOUTH WALES CERTIFICATE OF T REAL PROPERTY ACT, 19	
S OR IMPRISONMENT (S.141 REAL PROPERTY AC	in that Schedule) in the lend with encumbrances, interests and entries additional entries in the Folio of the F LAND  LOT 64 IN DEPOSITED AT CRESTWOOD. LOCAL GOVERNMENT PARISH OF QUEANBE TITLE DIAGRAM: DI FIRST SCHEDULE  QUEANBEYAN CITY COUN SECOND SCHEDULE	PLAN 1150423 AREA: QUEANBEYAN CITY. SYAN COUNTY OF MURRAY P1150423	REGISTRAR GENERAL
ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).	<ol> <li>RESERVATIONS ANI</li> <li>LAND EXCLUDES M THE TITLE DIAGRI</li> <li>**** END O</li> </ol>	D CONDITIONS IN THE CROWN INERALS WITHIN THE PART S AM - SEE CROWN GRANT(S) F CERTIFICATE ****	GRANT(S) HOWN SO INDICATED IN
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No 1: 4 Gregg Place Crestwood NSW 2620 (Lot 64 DP 1150423)



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DEPOSITED PLAN ADM	INISTRATION SHEET Sheet 1 of 2 sheet(s)
SIGNATURES, SEALS and STATEMENTS of intention to dedicate sublic roads, to create public reserves, drainage reserves, easements, estrictions on the use of land or positive covenants.	DP1150423 S
T IS INTENDED TO DEDICATE GREGG PLACE 21 WIDE &     (ARIABLE TO THE PUBLIC AS PUBLIC ROAD AND LOT 64 TO THE     PUBLIC AS DRAINAGE RESERVE     PURSUANT TO THE SEC 88(B) OF THE CONVEYANCING ACT     919 AS AMENDED IT IS INTENDED TO CREATE:-     EASEMENT TO DRAIN SEWAGE AND WATER 4.88 WIDE     AND VARIABLE     EASEMENT TO DRAIN WATER 2.5 WIDE     RESTRICTION ON THE USE OF LAND     RESTRICTION ON THE USE ON LAND	
	LGA: QUEABEYAN QUEANBEYAN. Locality: QUEABEYAN CRESTWOOD. Parish: QUEANBEYAN County: MURRAY Surveying Regulation, 2006
Use PLAN FORM BA for additional certificates, signatures, seats and statements Crown Lands NSW/Western Lands Office Approval 	I,PETER BERNARD WILLIAMS of4D Surveying PO Box 528 Queanbeyan NSW 2620 a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2006 and was completed or
Office: Subdivision Certificate cartify that the provisions of s. 109J of the Environmental Planning and lasesament Act 1979 have been satisfied in relation to:	Signaturo Dated: 10:12:20 9 Surveyor repond under the Surveyor Act, 2002 Datum Line:
the proposedsubdivisionset out herein (insert 'subdivision' or 'new road')	Plans used in the preparation of survey/compilation
* Authorised Person/General Managen/Ascredited Certifier Consent Authority: Queen-beyon City Council Jate of Endorsement 18 March 2010 Accreditation no: Authorism Certificate no: 476 - 20035	DP 14288 DP 1081860
Teno: 476 - 2003	(if insufficient space use Plan Form 6A ennesure sheet)



## Planning Proposal to Reclassify Various Council Owned Land from 'Community' to 'Operational' Status

DEPOSITED PLAN ADM	INISTRATION SHEET	Sheet 2 of 2 sheet
PLAN OF SUBDIVISION OF LOTS 12 -23 SECTION F DP 14288, LOTS 15- 24 SECTION H DP 14288 AND LOT 58 DP 1081860	DP1150423	
	Registered:	05.05.2010
Subdivision Certificate No: 476 - 2063S	Date of Endorsement: 18	March 2010
EXECUTED by IAN EDWARD MCNAMEE, Sole Direc LORN ROAD PTY LIMITED ACN		
Ambanee		
1000000		





#### No 2: 17 Dunn Street Queanbeyan West (Lot 52 DP 262335)





#### No 2: 17 Dunn Street Queanbeyan West (Lot 52 DP 262335)



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	Land & Property	
	Information	
	A division of the Department of Finance & Services	
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## No 3: 2 Faunce Street Queanbeyan East (Lot 24 DP 241159)





No 3: 2 Faunce Street Queanbeyan East (Lot 24 DP 241159)



## No 4: 500 Trig Lane Carwoola (Lot 6 DP 270584)

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No 4: 500 Trig Lane Carwoola (Lot 7 DP 270584)





No 4: 500 Trig Lane Carwoola (Lot 6 DP 270584)



BOX 1W NEW SOUTH WALES (DP270584) CERTIFICATE OF TITLE REAL PROPERTY ACT, 1900 TORRENS TITLE e. 7/270584 UNITE OF USING 1 8/4/2009 ACT Z9TW-NM-CT6F PROPERTY' I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries as appear in the Second Schedule and to any additional entries in the Folio of the Register. Vete IMPRISONMENT (\$.141 1 and REGISTRAR GENERAL LAND LOT 7 IN COMMUNITY PLAN DP270584 AT CARWOOLA. LOCAL GOVERNMENT AREA: QUEANBEYAN CITY. Ś PARISH OF CARWOOLA COUNTY OF MURRAY FINES TITLE DIAGRAM: DP270584 FIRST SCHEDULE HEAVY QUEANBEYAN CITY COUNCIL 김 RESULT SECOND SCHEDULE 1. LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CERTIFICATE COULD CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S) 2. THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE DP774571 RESTRICTION(S) ON THE USE OF LAND
 DP270584 EASEMENT FOR OVERHEAD POWER LINE(S) 20 METRE(S) WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM (DOC.1) \*\*\*\* END OF CERTIFICATE \*\*\*\* TO ALTER THIS ATTEMPT WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT POLIO OF THE REGISTER 2797657

### No 5: 6655 Kings Highway Carwoola (Lot 7 DP 270584)





No 5: 6655 Kings Highway Carwoola (Lot 7 DP 270584)





