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#### 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 m² 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 m<sup>2</sup>.

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 m².

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 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

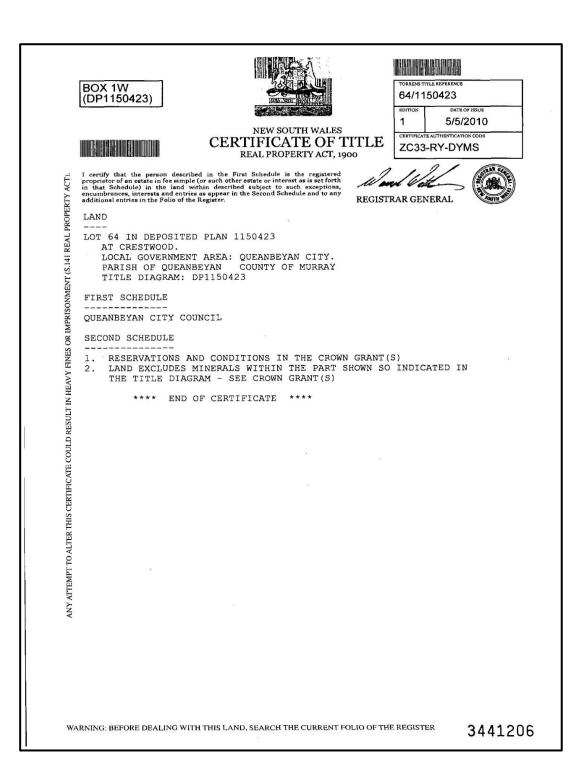
Accordingly, it is the view of the Council that the planning proposal should be completed within 9 months of receiving a Gateway determination.

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

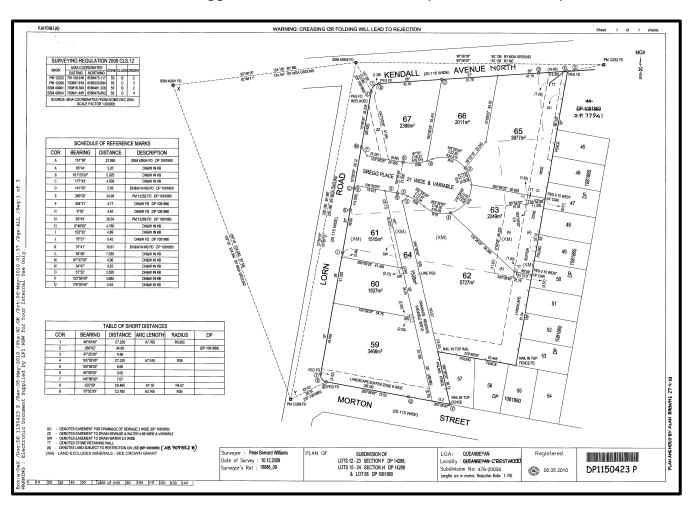


# Appendix A - Certificates of Title

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







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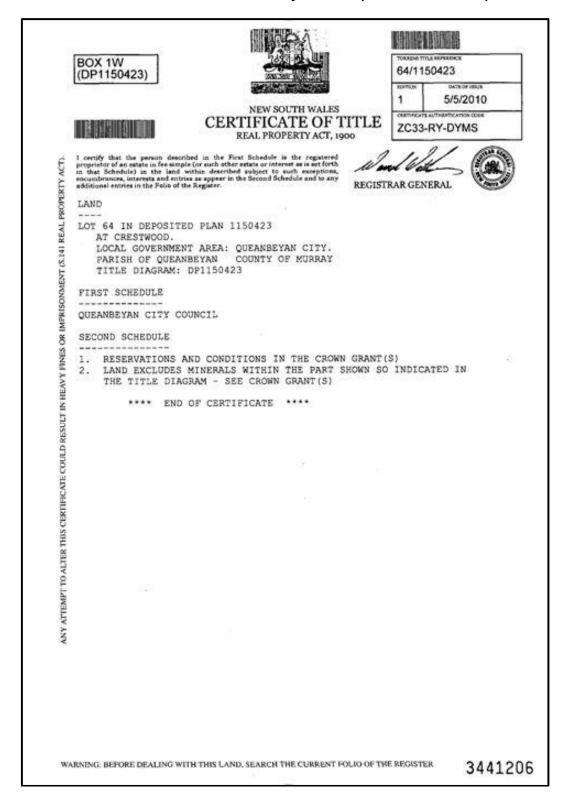
DEPOSITED PLAN ADMI	NISTRATION SHEET Sheet 1 of 2 sheet(s)
SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.  IT IS INTENDED TO DEDICATE GREGG PLACE 21 WIDE & VARIABLE TO THE PUBLIC AS PUBLIC ROAD AND LOT 84 TO THE	DP1150423 S
PUBLIC AS DRAINAGE RESERVE  PURSUANT TO THE SEC 88(8) OF THE CONVEYANCING ACT 1919 AS AMENDED IT IS INTENDED TO CREATE:-  1. EASEMENT TO DRAIN SEWAGE AND WATER 4.88 WIDE AND VARIABLE  2. EASEMENT TO DRAIN WATER 2.5 WIDE  3. RESTRICTION ON THE USE OF LAND  4. RESTRICTION ON THE USE ON LAND  5. RESTRICTION ON THE USE ON LAND  6. POSITIVE COVENANT  7. POSITIVE COVENANT  8. POSITIVE COVENANT	Registered: 05.05.2010 Title System: TORRENS Purpose: SUBDIVISION  PLAN OF SUBDIVISION OF LOTS 12 -23 SECTION F DP 14288, LOTS 15 - 24 SECTION H DP 14288 AND LOT 58 DP 1081960
	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 L	I,PETER BERNARD WILLIAMS
the proposed	Type: Urban  Plans used in the preparation of survey/compilation  DP 14288  DP 1081860
Consent Authority: Quean beyon: City Council Date of Endorsement: 18: March: 20to Accreditation no: Subdivision Certificate no: 476 - 2003 5 File no: 476 - 2003	(if insufficient space use Plan Form SA escreause sheet)



DEPOSITED PLAN ADM	INISTRATION SI	IEET	Sheet 2 of	2 sheet(s)
PLAN OF	DP1150423			
71 36 DF 1001000	Registered:		05.05.2010	
Subdivision Certificate No: 476 - 2063S	Date of Endorsement:	18 M	lowch 2010	
EXECUTED by IAN EDWARD MCNAMEE, Sole Direct LORN ROAD PTY LIMITED ACN	tor/Secretary 136 676 434			
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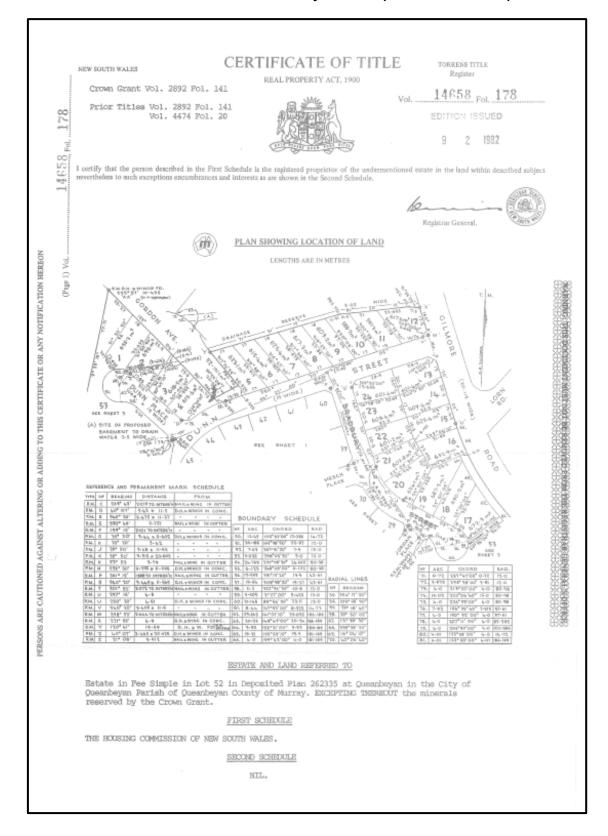


#### No 2: 17 Dunn Street Queanbeyan West (Lot 52 DP 262335)



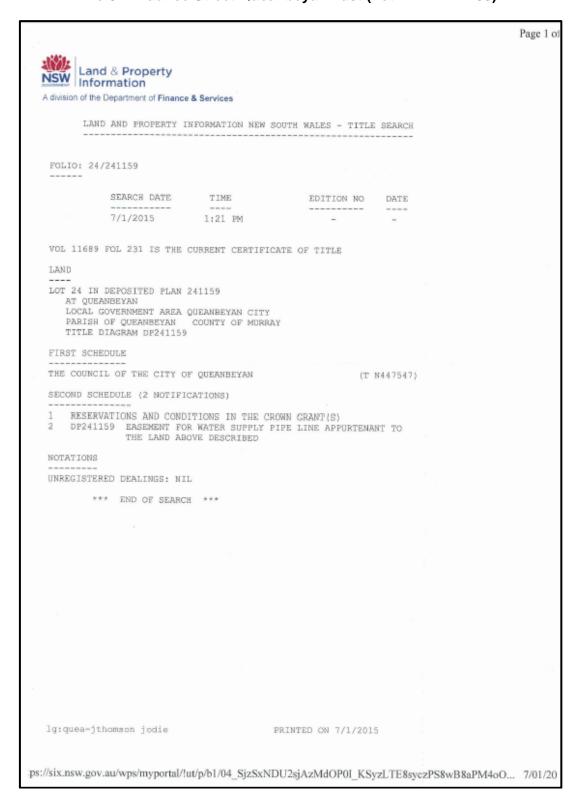


#### No 2: 17 Dunn Street Queanbeyan West (Lot 52 DP 262335)

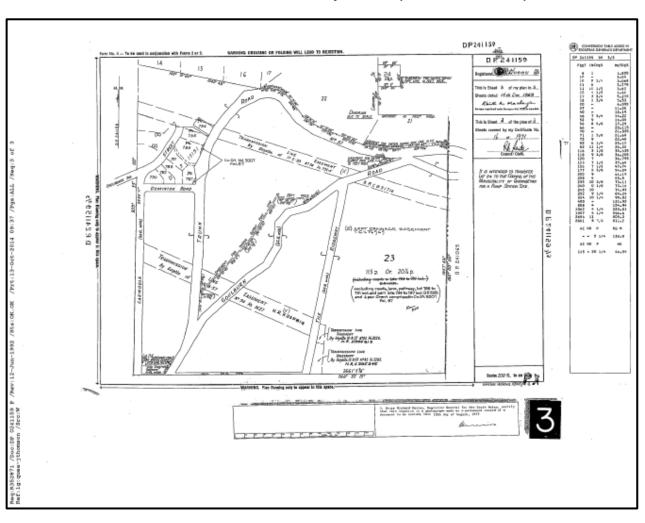




#### No 3: 2 Faunce Street Queanbeyan East (Lot 24 DP 241159)



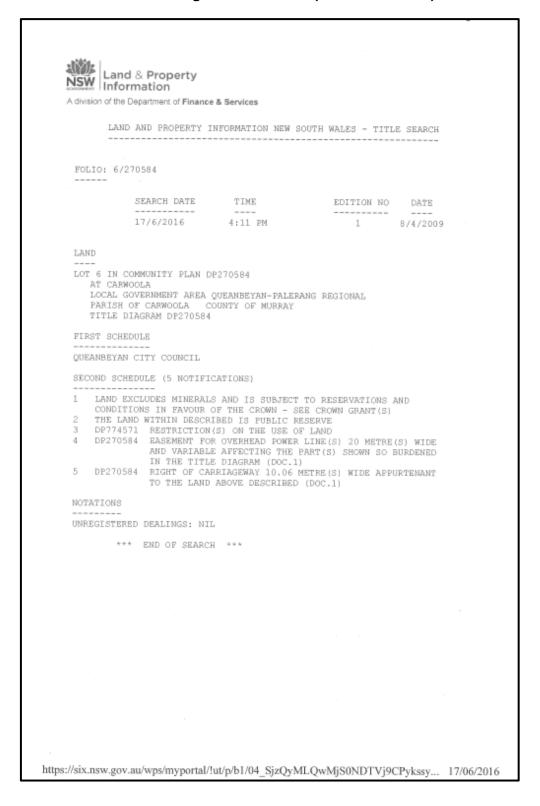




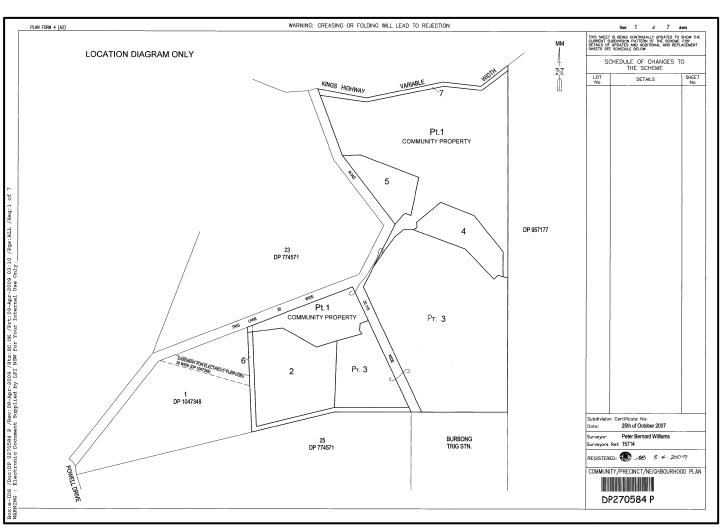
No 3: 2 Faunce Street Queanbeyan East (Lot 24 DP 241159)



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

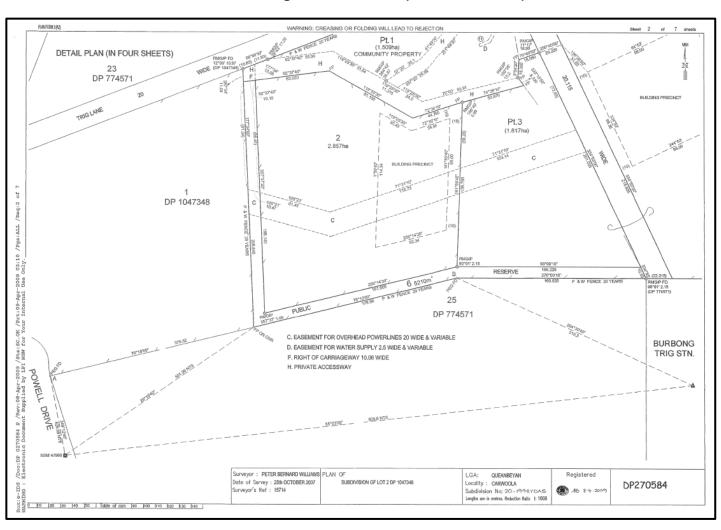






No 4: 500 Trig Lane Carwoola (Lot 7 DP 270584)

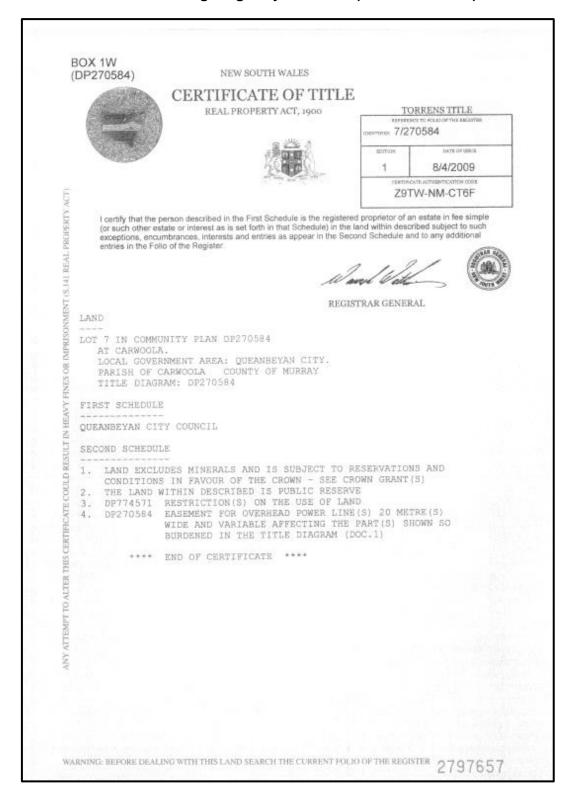




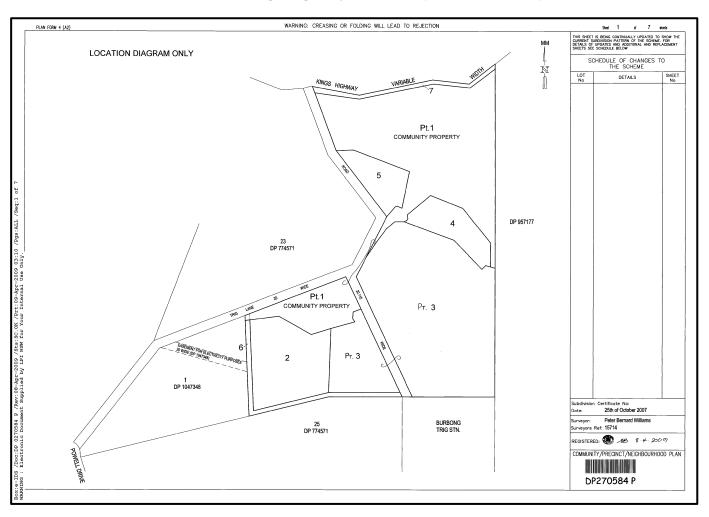
No 4: 500 Trig Lane Carwoola (Lot 6 DP 270584)



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







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