



IRF22/3770

Gateway determination report – PP-2022-3687

Reclassification of land at 19 Glenrock Drive, Googong

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Queanbeyan Palerang
PPA	Queanbeyan Palerang Regional Council
NAME	Reclassification of land at 19 Glenrock Drive, Googong
NUMBER	PP-2022-3687
LEP TO BE AMENDED	Queanbeyan Palerang Local Environmental Plan 2022
ADDRESS	19 Glenrock Drive, Googong
DESCRIPTION	Part of Lot 342 DP 1259563
RECEIVED	20/10/2022
FILE NO.	IRF22/3770
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to reclassify 363m² of land from community to operational land to allow it to be transferred to the developers of the Googong Town Centre to be used for seating and landscaping for nearby retail premises.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Queanbeyan Palerang LEP 2022

(NB. The proposal refers to Queanbeyan LEP 2012 but this will need to be updated to reflect that the Queanbeyan Palerang LEP 2022 has been notified and will take effect on 14 November 2022.)

The planning proposal will reclassify part of Lot 342 DP 1259563 (approx. 363m²) by adding it to Part 2 of Schedule 4.

This will have the effect of extinguishing the public reserve status of the land to allow it to be transferred and used for retail infrastructure.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is a rectangular shape and has an area of approx.. 363m² (pink shaded area below). The land is zoned B2 Local Centre and is within the area that will be developed as the Googong Town Centre. The land is cleared and does not contain vegetation.

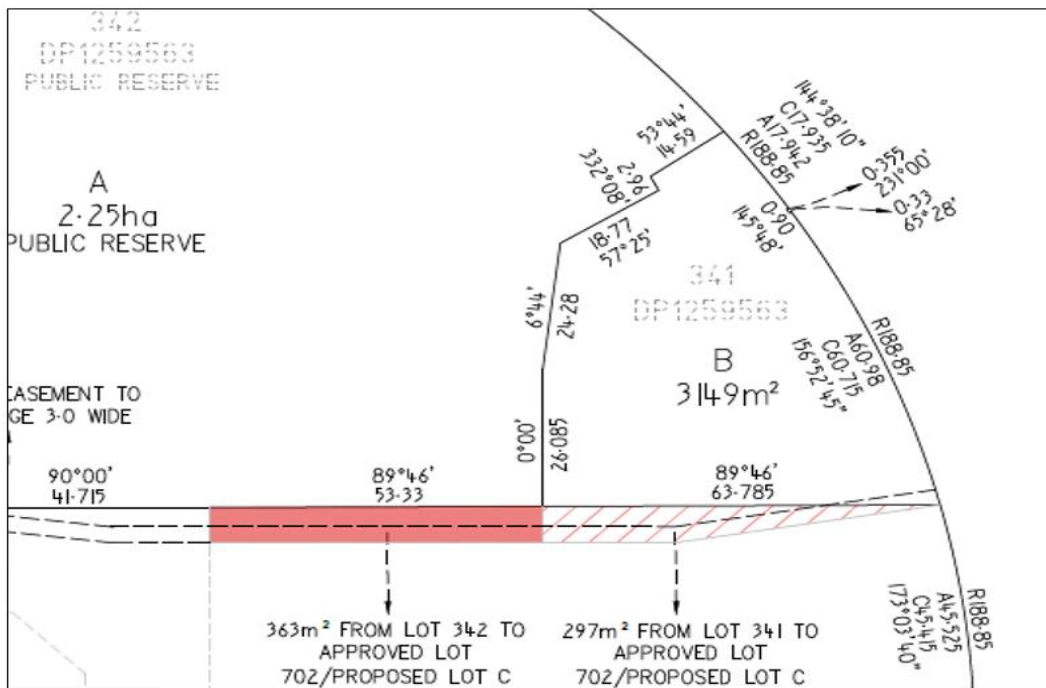


Figure 1 Subject site (source: Planning proposal)



Figure 2 Site context (source: Planning proposal)



Figure 3 Site image (source: Planning proposal)

1.5 Mapping

The planning proposal includes mapping to identify the subject land.

Council has noted that no amendments to the LEP maps are required because, although the reclassification applies to only part of Lot 342 DP 1259563, Council is concurrently pursuing a subdivision of the subject land to facilitate its transfer of the site to Googong Township Pty Ltd.

NB. If the subdivision has not been completed prior to finalising this proposal then a Part lot reclassification map will need to be prepared.

The maps provided are suitable for community consultation.

2 Need for the planning proposal

This area was always intended to be used for seating and landscaping etc as part of the Googong Town Centre. Council and the developers of the Googong Town Centre agree that it is appropriate for this future infrastructure to be located on private land as it will be maintained and managed by the retailers.

The land is currently classified as ‘community land’ and needs to be reclassified to ‘operational land’ to allow it to be transferred to private owners.

Adding the land to Part 2 of Schedule 4 of the LEP will have the effect of reclassifying the land and extinguishing the public reserve status to allow it to be transferred into private ownership and used for seating etc.

3 Strategic assessment

The proposal is considered consistent with relevant regional, local and state policies.

3.1 South East and Tablelands Regional Plan

The proposal applies to a small parcel of land within a town centre. It will support proposed retail and commercial services and will not have a negative impact on environmental or heritage values.

The proposal is considered consistent with the Regional Plan.

3.2 Local Strategies and policies

The proposal is not inconsistent with the Queanbeyan Palerang Local Strategic Planning Statement. It is a minor matter that will not have a negative impact on environmental values.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent	Reasons for Consistency or Inconsistency
5.2 Reserving Land for Public Purposes	No	<p>The proposal is inconsistent with this Direction as it reduces land available for public purposes.</p> <p>However, this inconsistency is considered to be of minor significance and is therefore justified under the terms of the Direction.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with relevant SEPPs – see Planning Proposal.

4 Site-specific assessment

4.1 Environmental, social and economic impacts

The proposal will reclassify a small parcel of land to allow it to be transferred to the owners of the Googong Town Centre to be used for supporting infrastructure such as seating and landscaping.

The proposal will have no negative environmental or heritage impacts.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate.

5.2 Agencies

Council does not propose to consult with agencies on the planning proposal given the minor nature of the proposal. This is considered appropriate.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure adequate time for exhibition, public hearing and referral of the plan for Governor's approval which is required to remove the public reserve status.

7 Local plan-making authority

Council is not able to be the local plan-making authority as the proposal involves a reclassification to remove public reserve status and therefore requires the approval of the Governor General.

See excerpt from Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan

Authorisation of delegation

Local plan making functions are now largely delegated to councils. A Written Authorisation to Exercise Delegation is issued to a council as part of the Gateway determination.

However, where an LEP requires the Governor's approval, this council delegation cannot be issued. In this instance, the council must request the Department make the LEP.

8 Assessment summary

The planning proposal is supported to proceed as it will support the future use of the Googong Town Centre and will have little to no adverse impacts on the environment or amenity of the area.

As discussed in Section 1 of this report, the proposal should be updated to refer to the Queanbeyan Palerang Local Environmental Plan 2022 prior to exhibition of the proposal.

Council should also be advised that a Part Lot reclassification map will need to be prepared prior to the plan being made if the proposed subdivision of the subject land is not completed prior to the finalisation of this proposal.

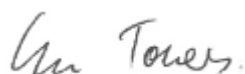
9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 5.2 Reserving Land for Public Purposes is minor or justified

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated before exhibition to:
 - Update references in the proposal from Queanbeyan LEP 2012 to Queanbeyan Palerang LEP 2022
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



3/11/22

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