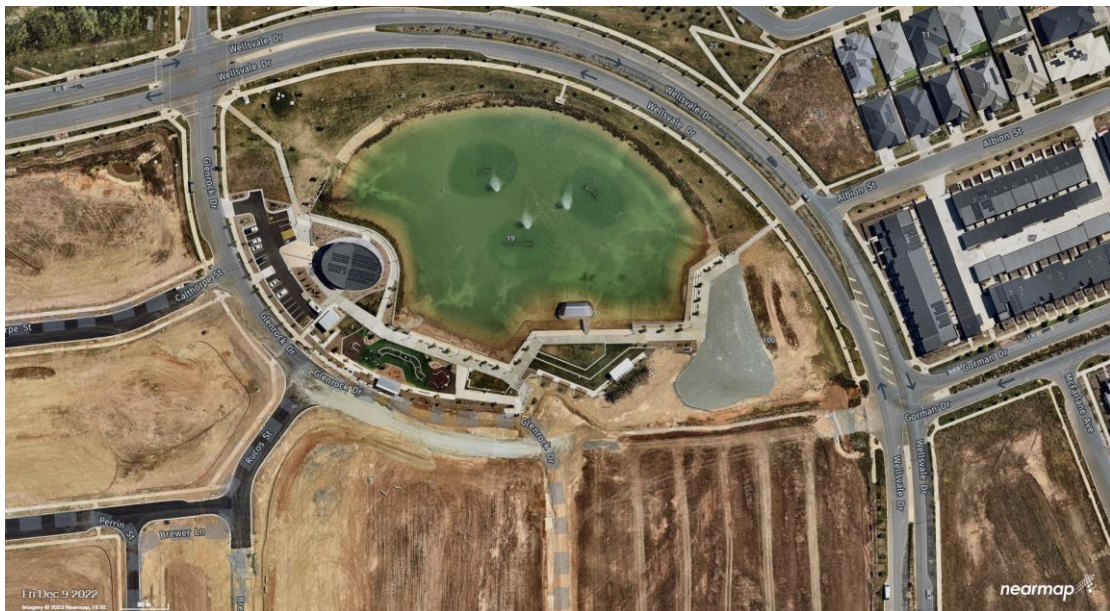


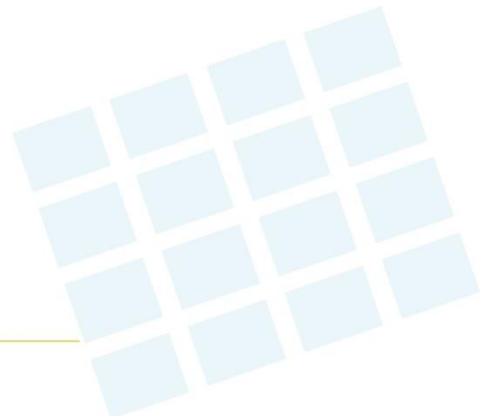
## REPORT

### Public Hearing – Proposed Reclassification

#### Part of Lot 342 DP 1259563 Googong



**Prepared for:**  
Queanbeyan-Palerang Regional Council



This Report has been prepared for Queanbeyan-Palerang Regional Council.

This is the Chairperson report on the Public Hearing for the proposed reclassification of Part of Council owned land at Lot 342 DP 1259563 located at 19 Glenrock Drive, Googong, known as Bunyip Park.

The Hearing was held on 28 February 2023 at Googong Community Centre at 5.30pm pursuant to section 29 of the *Local Government Act 1993* (and section 68 of the *Environmental Planning and Assessment Act 1979* and associated Regulations).

**Project Author:** Glenn Allen  
**Report Compilation Date:** March 2023

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# 1 Introduction

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## 1.1 GENERAL

This Planning Report has been prepared to assist the deliberations of Queanbeyan-Palerang Regional Council regarding a proposal to reclassify Part of Lot 342 DP 1259563 located at 19 Glenrock Drive, Googong, known as Bunyip Park from 'Community' to 'Operational' land as part of a planning proposal to amend *Queanbeyan-Palerang Local Environmental Plan 2022*.

This is the Chairperson report on the Public Hearing for the proposed reclassification of Part of Council owned land being Lot 342 DP 1259563.

The Public Hearing was held on 28 February 2023, at Googong Community Centre at 5.30pm pursuant to section 29 of the *Local Government Act 1993* (and section 68 of the *Environmental Planning Act 1979* and associated Regulations).

## 1.2 CLIENT INSTRUCTIONS

This Planning Report has been prepared in response to engagement by Queanbeyan-Palerang Regional Council.

## 1.3 SCOPE OF PLANNING REPORT

This Planning Report describes the proposal, the site and its context, relevant statutory planning provisions and the outcomes of the Public Hearing.

This Planning Report has been prepared following a site inspection, a review of statutory and strategic planning documents, and consideration of matters raised at the Public Hearing held on 28 February 2023.

## 2 The Site

The subject land is Part of Lot 342 DP 1259563 located at 19 Glenrock Drive, Googong, known as Bunyip Park.

The land is classified as Community Land and owned by Queanbeyan-Palerang Regional Council. Lot 342 is 2.25 hectares in size and contains a water feature and a performance stage.

The land area the subject of the proposed reclassification is a small section within the existing Lot 342 DP 1259563 (Bunyip Park) with an area of 363m<sup>2</sup> as outlined in Figures 1, 2 and 3 below.

Figures 4 and 5 are photographs of the site taken during a site inspection by the Public Hearing Chair.

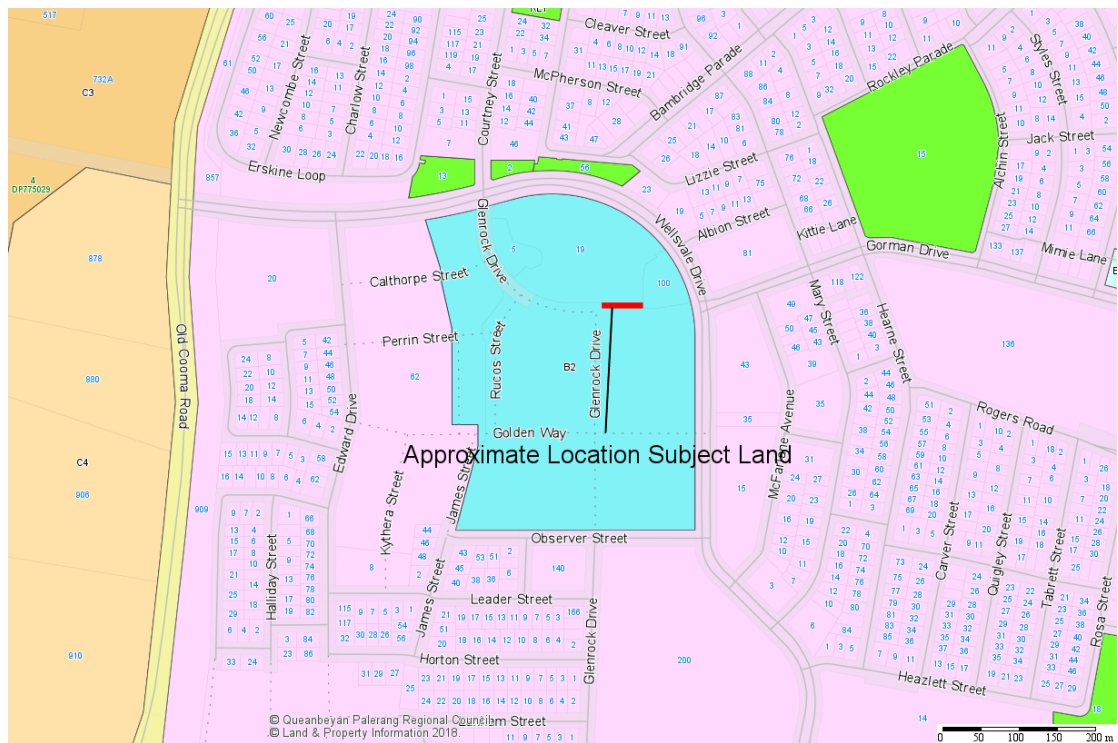


Figure 1: Map of Location



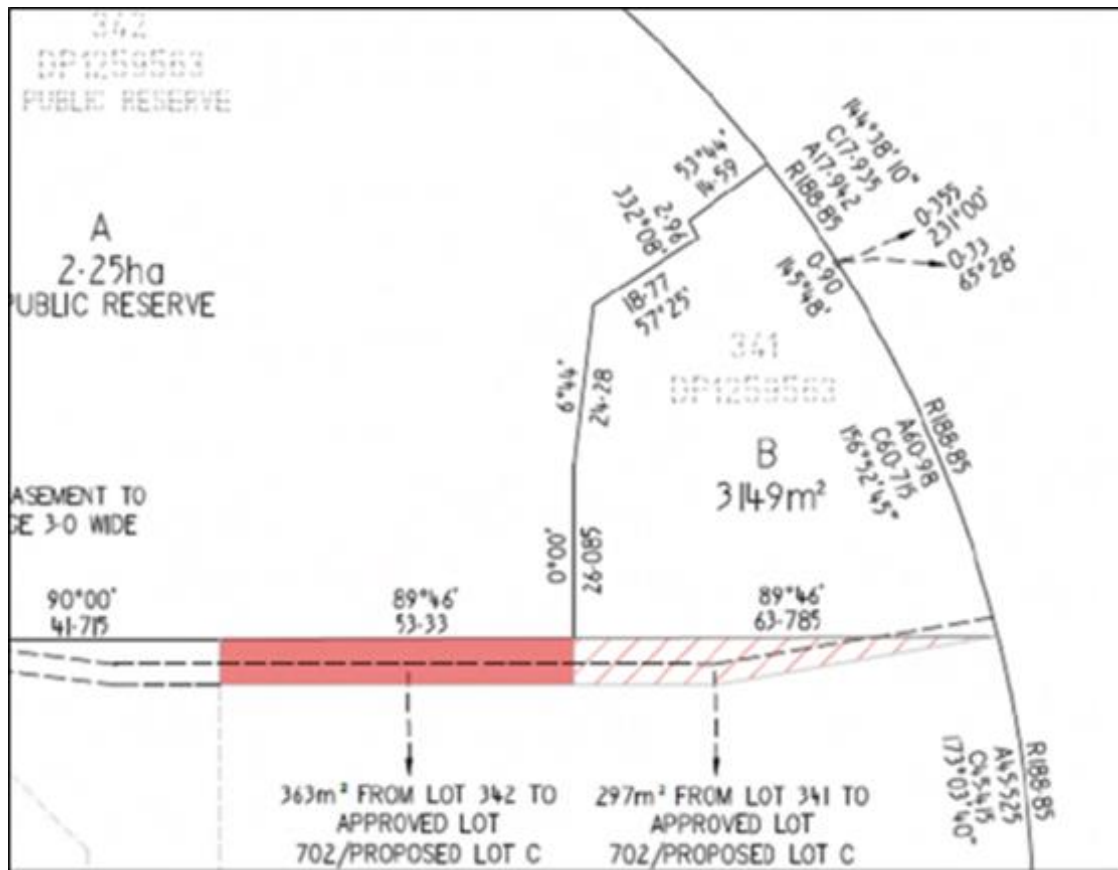


Figure 2: Subject area proposed to be reclassified

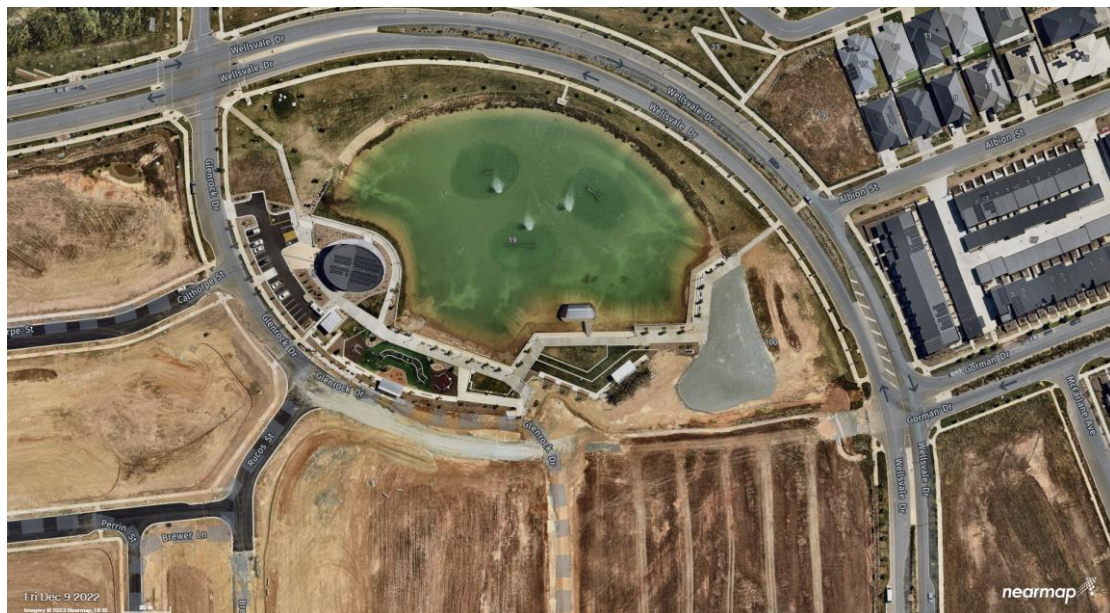


Figure 3: Aerial Site Context





*Figure 4: Existing water feature and facilities*



*Figure 5: Subject site area looking south-east from existing park*

### 3 Background

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The *Local Government Act 1993* (the Act) – Section 36 requires that Council classify all land that they hold in accordance with the requirements of the Act. Council must classify land as “community” or “operational”.

Community land must then be categorised under the requirements of the Act into one of the following:

- natural area
- sportsground
- park
- area of cultural significance
- general community use
- bushland
- wetland
- an escarpment
- watercourse
- foreshore.

Council shall identify land which should be kept for use by the general public (community) and land which need not (operational). Community land would ordinarily comprise land such as a public park, whilst operational land would ordinarily comprise:

- a temporary asset or an investment
- land which facilitates the carrying out by a council its functions
- land which may not be open to the general public, such as a works depot or a council garage.

Under the provisions of Section 29 of the Act, Council must arrange a public hearing into a proposed reclassification of community land.

A Gateway determination was received on 4 November 2022 for Council to proceed and reclassify the land as part of a planning proposal under the *Environmental Planning and Assessment Act 1979*. The reclassification of the land from ‘Community’ to ‘Operational’ has triggered the requirement for a Public Hearing.



## 4 The Proposal

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Council at its meeting on 12 October 2022 resolved to reclassify part of Bunyip Park, Googong from community land to operational land under the *Local Government Act 1993* and that a Draft Planning Proposal be forwarded to the NSW Department of Planning and Environment (DPE) to seek a Gateway determination.

The subject land to be reclassified is part of Lot 342 DP 1259563 located at 19 Glenrock Drive, Googong. The subject land is currently known as Bunyip Park and was dedicated to Council as part of a larger public reserve on 17 April 2022.

This dedication occurred as part of the Googong Neighbourhood 2 subdivision and was required under the Voluntary Planning Agreement applying to the land between Council and Googong Township Proprietary Limited (GTPL) as executed on 12 January 2012.

The land was transferred at no cost to Council.

Bunyip Park is 2.25 hectares in size and contains a water feature and embellishments including a performance stage. It was designed as a central community area for the township.

The land proposed to be reclassified as operational is a small section within Bunyip Park, being an area of 363m<sup>2</sup>. Council proposes that this land area be transferred to the developers of Googong Town Centre (GTPL) to be managed as part of the adjacent commercial space.

It is understood that the land is intended to be used for seating and ancillary uses (such as garden beds, landscaping, etc) associated with proposed nearby retail premises. The future classification and ownership would remove costs to Council associated with managing those facilities.

It is intended to subdivide the subject land from its parent parcel concurrently with the planning proposal to ensure the land has a separate title to allow transfer of ownership.

A Gateway determination was received on 4 November 2022 for Council to proceed and reclassify the land as part of a planning proposal under the *Environmental Planning and Assessment Act 1979*. The reclassification of the land from community to operational land has triggered the requirement for a Public Hearing.

It is noted that submissions on the Draft Planning Proposal were invited from 22 November 2022 to 27 January 2023. No submissions were received by Council.

## 5 Public Hearing and Assessment

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### 5.1 Public Hearing

A Gateway determination was received on 4 November 2022 for Council to proceed and reclassify the subject land as part of a planning proposal under the *Environmental Planning and Assessment Act 1979*. The reclassification of the land from 'Community' to 'Operational' has triggered the requirement for a Public Hearing.

The Public Hearing was chaired by an independent chair, Mr Glenn Allen, from AQ Planning, in accordance section 47G(2) of the *Local Government Act*.

The Public Hearing was held on 28 February 2023, at Googong Community Centre at 5.30pm pursuant to section 29 of the *Local Government Act 1993* (and section 68 of the *Environmental Planning Act 1979* and associated Regulations).

Mr Allen had previously undertaken site inspections on 25 January 2023 and 28 February 2023.

The Public Hearing commenced, as advertised, at 5.30pm and closed at 6.00pm. The Public Hearing was held open until 6.00pm to enable any interested members of the public to attend.

Public Hearing attendees included representatives of Council, being Mr Martin Brown - Program Coordinator - Land-use Planning Urban, Mr Chris Kurzyniec - Strategic Planner, and Mr Tim Reich - New Release Coordinator, Mr Malcolm Leslie from PEET (Googong township developers). No members of the general public attended.

The Chair provided a PowerPoint presentation describing the purpose of the Public Hearing, Public Hearing protocol and speaker rules, an overview of the site and proposed reclassification.

### 5.2 Discussion

The Chair requested Council staff in attendance to clarify:

- Future zoning of Bunyip Park,
- Plan of Management for Bunyip Park.

Council staff advised that as the land transfer of Bunyip Park to Council is relatively recent a Plan of Management (POM) has not been prepared although this will occur.

## **6 Conclusion and Recommendations**

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Following consideration of the statutory provisions and matters clarified at the Public Hearing it is our recommendation that the reclassification proposal could proceed, should Council resolve to proceed with the planning proposal to reclassify the subject land to operational, based on the following:

- The proposed reclassification is not considered contrary to the public interest as the community have raised no objections regarding the proposed reclassification, no submissions were received, and no members of the general public attended the Public Hearing
- The site area is considered minor being 363m<sup>2</sup> of an existing 2.25 hectare lot, the balance of which would remain as community land
- As the land transfer for the existing Bunyip Park to Council is relatively recent a POM does not currently exist for the Park, although Council staff advised that a POM will be prepared. In this regard the proposal is unable to be assessed against a POM although it is noted that the Draft Planning Proposal states that Council has adequately considered the implications for open space in the Googong urban release area and that as the open space will continue to be used by the community, but proposed to be managed by the developer (GTPL), Council consider that it will have negligible impact on the community's access and use of the broader area for public purposes
- The proposed reclassification is not intended to impact, limit or reduce the community's access to Bunyip Park as the broader Bunyip Park area will be retained by Council and classified as community land

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**Mr. Glenn Allen**  
Director  
AQ Planning

March 2023