



IRF 24/2109

Gateway determination report – PP-2024-1846

Reclassification – Community to Operational Land 88
Wallace Street and 41 Ryrie Street, Braidwood.

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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 – ‘Community’ to ‘Operational’ Land at 88 Wallace St and 41 Ryrie Street Braidwood
NUMBER	PP-2024-1846
LEP TO BE AMENDED	Queanbeyan Palerang LEP 2022
ADDRESS	88 Wallace Street and 41 Ryrie Street, Braidwood
DESCRIPTION	Lots 4 and 7 DP240640 and Lot 5 DP835748
RECEIVED	20/08/2024
FILE NO.	EF24/ 12993 IRF24/2109
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 the 3 lots from ‘Community’ to ‘Operational’ Land
- To facilitate future residential development and redevelopment for carparking, public amenities and landscape design.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal states that it seeks reclassify the subject land from ‘community’ to ‘operational’ by amending the Queanbeyan Palerang LEP 2022 to include the subject land in Part 1 of Schedule 4 (no interests changed).

It is noted that the proposal does not seek to change any trusts, estates, interests, dedications, conditions, restrictions or covenants on the land.

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 planning proposal involves land located at 88 Wallace Street, Braidwood NSW 2622 (Lot 4, DP 240640, and Lot 7 DP 240640), and 41 Ryrie Street Braidwood (Lot 5 DP 835748) within the Braidwood township shown in figure 1 and 2 below.

The land at 88 Wallace Street, Braidwood consist of two lots totalling 1138m² in area, with Lot 4 DP 240640 zoned R2 (Low Density Residential) and Lot 7 DP 240640 being zoned a mix of R2 (Low Density Residential) and E1 (Local Centre). Lot 5 DP 835748, 41 Ryrie Street is zoned R2 (Low Density Residential) and covers an area of 869 m².

All three allotments adjoin Council owned operational land which currently contains the Braidwood Council Depot and are also surrounded by a mix of residential and commercial land uses within the Braidwood town centre.



Figure 1 Subject site (source: Googlemaps)

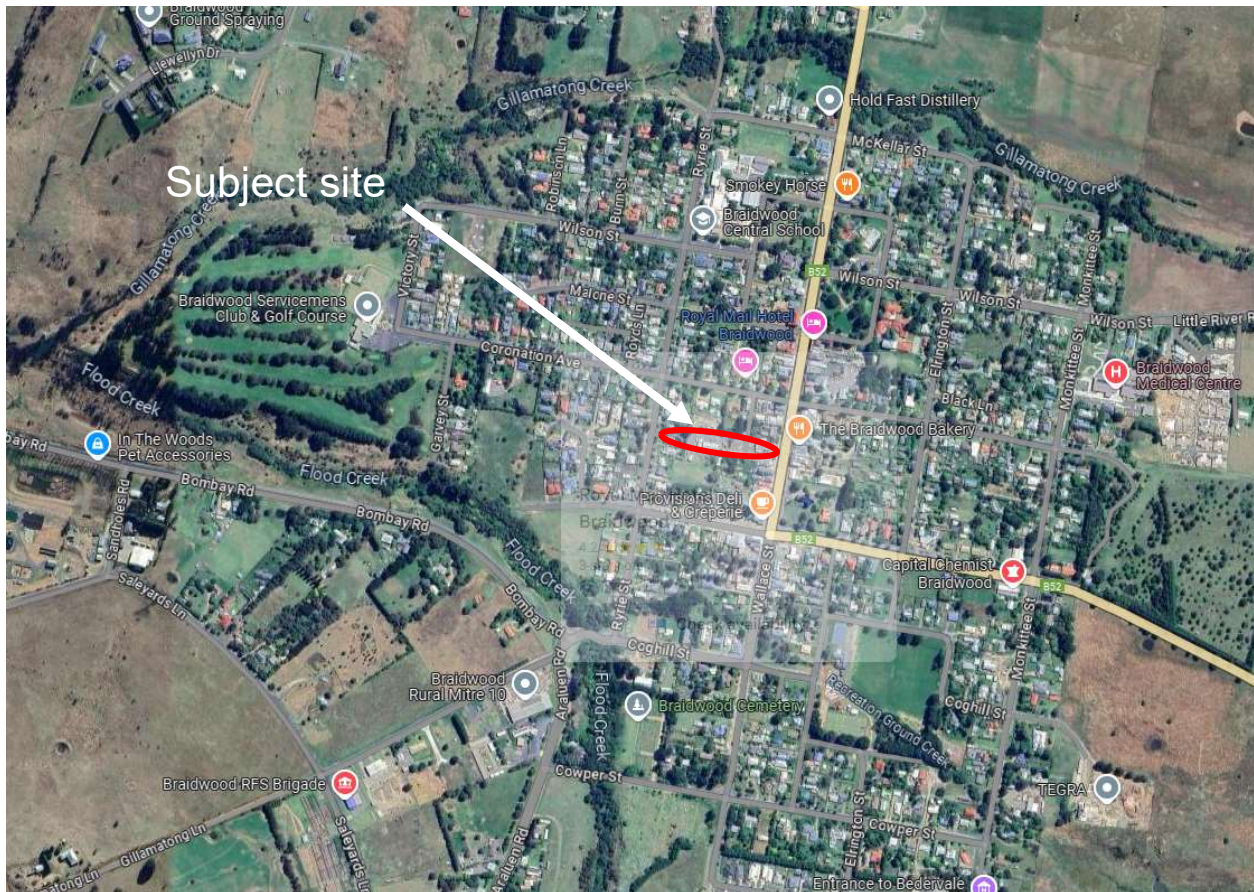


Figure 2 Site context (source: Googlemaps)

1.5 Mapping

The planning proposal includes mapping that allows the subject land to be clearly identified, which are suitable for community consultation.

The planning proposal does not involve amendment of any maps in the Queanbeyan Palerang LEP 2022

2 Need for the planning proposal

The planning proposal states that it is not a result of an endorsed local strategic planning statement (LSPS), strategic study or report. However, the planning proposal is considered to be of local significance only and will require public exhibition under the LG Act.

In accordance with Section 31. (2) (2A) of the LG Act, the Council may resolve to classify acquired land as 'community' or 'operational' either prior to or within three months after acquisition. Land that remains unclassified after this period is automatically deemed to be classified as 'community' under the LEP. Council in this instance did not resolve to classify the land in the required timeframe. Therefore, this planning proposal is required to amend the LEP as the only mechanism that allows for reclassifying the subject land from 'community' to 'operational.'

DPHI Planning acknowledges Council's intent and agrees that this is the most appropriate and only means of achieving the objectives/intended outcomes of the planning proposal.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the South East and Table Regional Plan 2036 (SETRP20236) and Draft South East and Table Regional Plan 2041 (DSETRP2041).

DPHI planning has assessed the proposal and has not found it to be inconsistent with either the current, or draft Regions Plans.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
SETRP20236 - Goal 4: Environmentally sustainable housing choices	Planning proposal is considered to be consistent with the following Directions as Council is considering future residential development and the renewal of 88 Wallace Street which includes off-street car parking, public amenities and landscape design. Direction 24: Deliver greater housing supply and choice, Direction 25: Focus housing growth in locations that maximise infrastructure and Direction 27: Deliver more opportunities for affordable housing.
DSETRP2041- Objective 3: Support diverse, vibrant and socially active communities,	Planning proposal is considered to be consistent as Council is considering future residential development and the renewal of 88 Wallace Street which includes off-street car parking, public amenities and landscape design.
DSETRP2041- Objective 17: Plan for supply of housing in appropriate locations	Planning proposal is considered to be consistent as Council is considering future residential development of the land which will increase housing supply in the town.
Objective 18: Plan for more affordable low-cost and social housing.	Planning proposal is considered to be consistent as Council is considering future residential development of the land which will increase housing supply in the town.

3.2 Local

The planning proposal identifies that the Queanbeyan-Palerang Regional Council Local Strategic Planning Statement, 'Towards 2040' (LSPS) – July 2020, together with the Community Strategic Plan 2018-2028, set out the community's long term vision and aspirations for Council's planning activities.

The proposal identifies the relevant section of the LSPS to which the proposal is consistent with.

Community – 4.8 Planning Priority 8: We ensure the future planning for the region is well coordinated and provides for its sustainable management.

- An appropriate supply of well-located housing stock is available to meet the growing and changing needs of the population as well as providing diversity for the regions.

Specific Planning Actions for Braidwood within the LSPS include:

Planning Priority 4:

- 4.4.1 Ensure tourism-orientated uses are permissible in Council's respective planning controls.
- 4.4.9 Provide a range of housing choices at different costs to meet the changing needs of the community and consider the options for community housing provider partnerships to provide affordable housing.

Planning Priority 9:

- 4.11.9 Ensure appropriate car parking facilities are available for the community

DPHI Planning assessment of the proposal against the LSPS aligns with that made in the planning proposal and the potential increase in housing supply and provision of public facilities on the land subject to this planning proposal are considered to be generally consistent with Council's strategic planning within the LSPS.

3.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent and or justifiably inconsistent with applicable Directions, with consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Yes	The planning proposal is consistent with the provisions of this direction. The three lots are within the State Heritage listed heritage conservation area of Braidwood and its settings however does not change any of the applicable development controls and therefore have no direct impact on the listed heritage conservation area. Council have indicated it will be referring the planning proposal to NSW Environment and Heritage for comment as part of the planning proposal process and any future development will need to satisfy the heritage requirements during the development assessment stage.
4.4 Remediation of Contaminated land	Yes	The proposal advises that a stage 2 contamination investigation report has been prepared and contamination on the site and adjoining Council depot site will be dealt with during a subsequent development application process. As the proposal relates only to a reclassification and does not propose an amendment of planning controls, DPHI planning considers the proposal to be consistent with this Direction.

5.2 Reserving Land for Public Purposes	Inconsistent – Minor/Justified	<p>The proposal does not reduce land available for public reserves and facilities. The land was purchased from private landowners and has not historically been used as public land for public purposes.</p> <p>The inconsistency is consider minor/justified in accordance with the Direction</p>
6.1 Residential Zones	Yes	Applicable. The planning proposal is consistent with the provisions of this direction. The proposal will assist in encouraging/delivering a variety and choice of housing types to provide for future housing needs.
7.1 Employment zones	Yes	The proposal retains the existing areas and locations of Employment Zones.

3.4 State environmental planning policies (SEPPs)

There are no SEPPs that are considered relevant to this planning proposal.

4 Site-specific assessment

4.1 Environmental

The proposal relates only to the reclassification of land from Community to Operation status and does not propose and change to the applicable land use controls. Therefore, it is not considered to have any likely environmental impacts.

Any future development applications on the subject land would need to address any environmental concerns as part of the development assessment process.

4.2 Social and economic

The land was purchased relatively recently by Council from a private landowner and sits adjacent to the existing Braidwood Council depot to which Council is looking to move to an alternate site.

The 'community' land subject to this proposal is intended to be reclassified as 'operational' land for future residential development, off-street carparking, public amenities and landscaping. Any subsequent sale or redevelopment of the site considered to have a positive social and economic impact on the town of Braidwood through increased housing supply, better public facilities and amenity.

4.3 Infrastructure

The subject land is located within the existing Braidwood town centre, within an employment zone, adjoining residential areas and is surrounded by commercial and retail establishments. The planning proposal notes that Council Infrastructure mapping reveals comprehensive services, including water, sewer, gas, stormwater drainage, and electricity are available to the site. Any additional services required for any future development may be subject to conditions during the Development Assessment (DA) stage.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The planning proposal has identified that Council will seek to Consult with Heritage NSW acknowledging that the subject land falls within a State Listed Heritage Conservation Area.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Heritage NSW

6 Timeframe

Council proposes a May 2025 time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic

The Department recommends an LEP completion date of 9 months from the date of the Gateway determination in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the site/planning proposal is only for a reclassification of land where no interests are changing, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The reclassification does not reduce land available for public use.
- Will facilitate the sale of the land/orderly development of the land in accordance with the current planning controls that apply to the site at the time of any subsequent Development application.
- The planning proposal is consistent/not inconsistent with relevant local and state strategic planning and policies.

9 Recommendation

It is recommended the delegate of the Secretary:

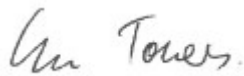
- Agree that any inconsistency with section 9.1 Direction 5.2 Reserving Land for Public Purposes are minor or justified

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

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities:
 - Heritage NSW
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 9 months from the date of the Gateway determination be included on the Gateway.



13/9/24

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