



IRF25/222

## Gateway determination report – PP-2024-2398

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To amend planning controls relating to the site at 141  
Googong Road, Googong

February 25



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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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### Table 1 Reports and plans supporting the proposal

#### Relevant reports and plans

Planning Proposal – 26 November 2024 (Urbane Studio on behalf of Bionowee Developments)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Queanbeyan-Palerang Regional
<b>PPA</b>	Queanbeyan-Palerang Regional Council
<b>NAME</b>	To amend planning controls relating to the site at 141 Googong Road, Googong
<b>NUMBER</b>	PP-2024-2398
<b>LEP TO BE AMENDED</b>	Queanbeyan-Palerang Regional LEP 2022
<b>ADDRESS</b>	141 Googong Road, Googong
<b>DESCRIPTION</b>	Lot 39 DP 1257837
<b>RECEIVED</b>	10/01/2025
<b>FILE NO.</b>	IRF25/222
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	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 facilitate urban development on appropriate land while protecting sensitive land uses. The rezoning and change in minimum lot size would result in the potential development of 12 dwellings.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Queanbeyan-Palerang Regional Local Environment Plan (LEP) 2022 per the changes below:

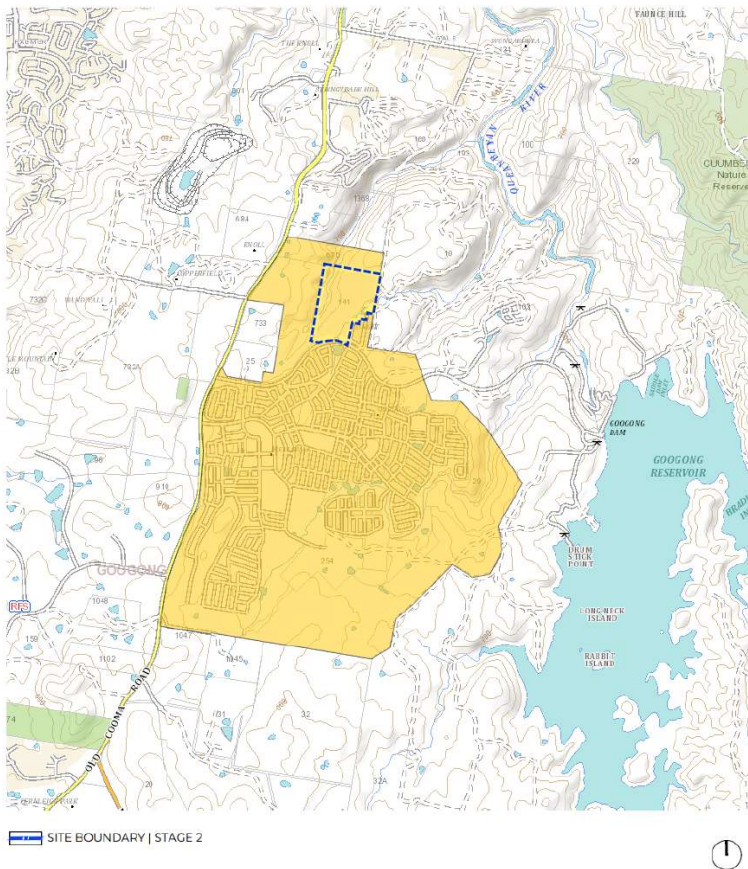
**Table 3 Current and proposed controls**

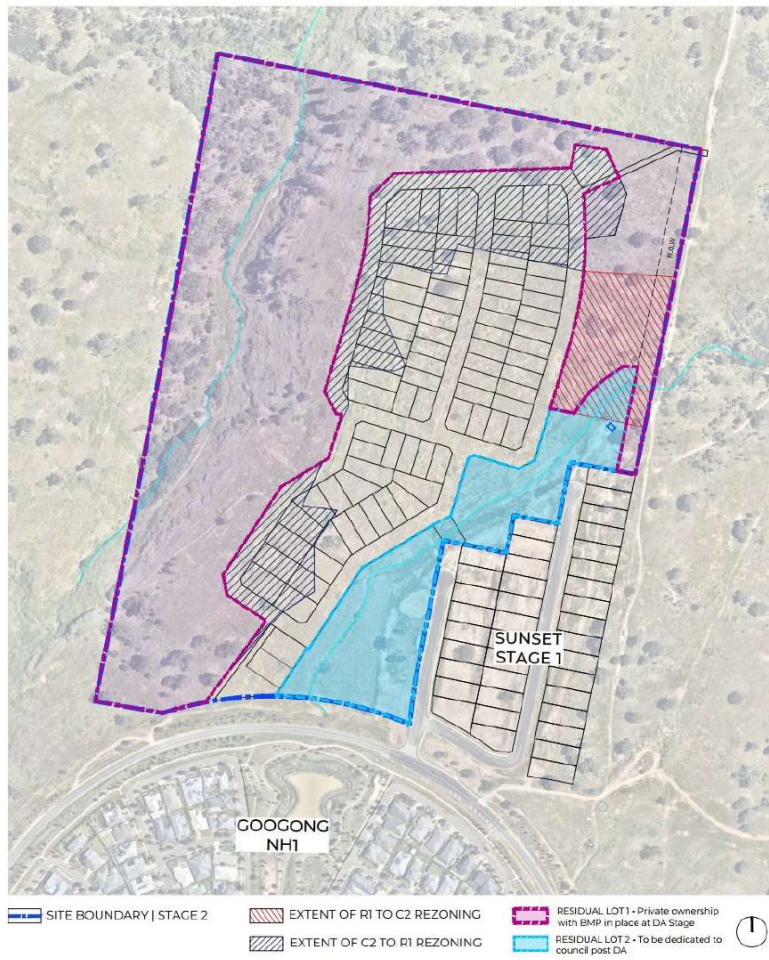
Control	Current	Proposed
Zone	C2 R2	R2 C2
Minimum lot size	For R1: 10 ha For C2: 1,000m <sup>2</sup>	For R1: 1,000m <sup>2</sup> or 600m <sup>2</sup> For C2: 10 ha
Height of Buildings	For R1: N/A For C2: 8.5m	For R1: 8.5m For C2: N/A

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 site is located on the northern border of the township of Googong in Southern New South Wales (**Figure 1**), approximately 9 kilometres south of Queanbeyan and 21 kilometres south-west of Canberra. The surrounding environment includes residential development to the south (across Googong Road), Stage 1 of Sunset Estate to the southeast, comprising of 38 residential lots, and large-lot rural properties to the north, east and west, characterised by pasturage, remnant vegetation and scattered trees. There is access to the site from Googong Road.

**Figure 1 Local context (source: Planning Proposal)**

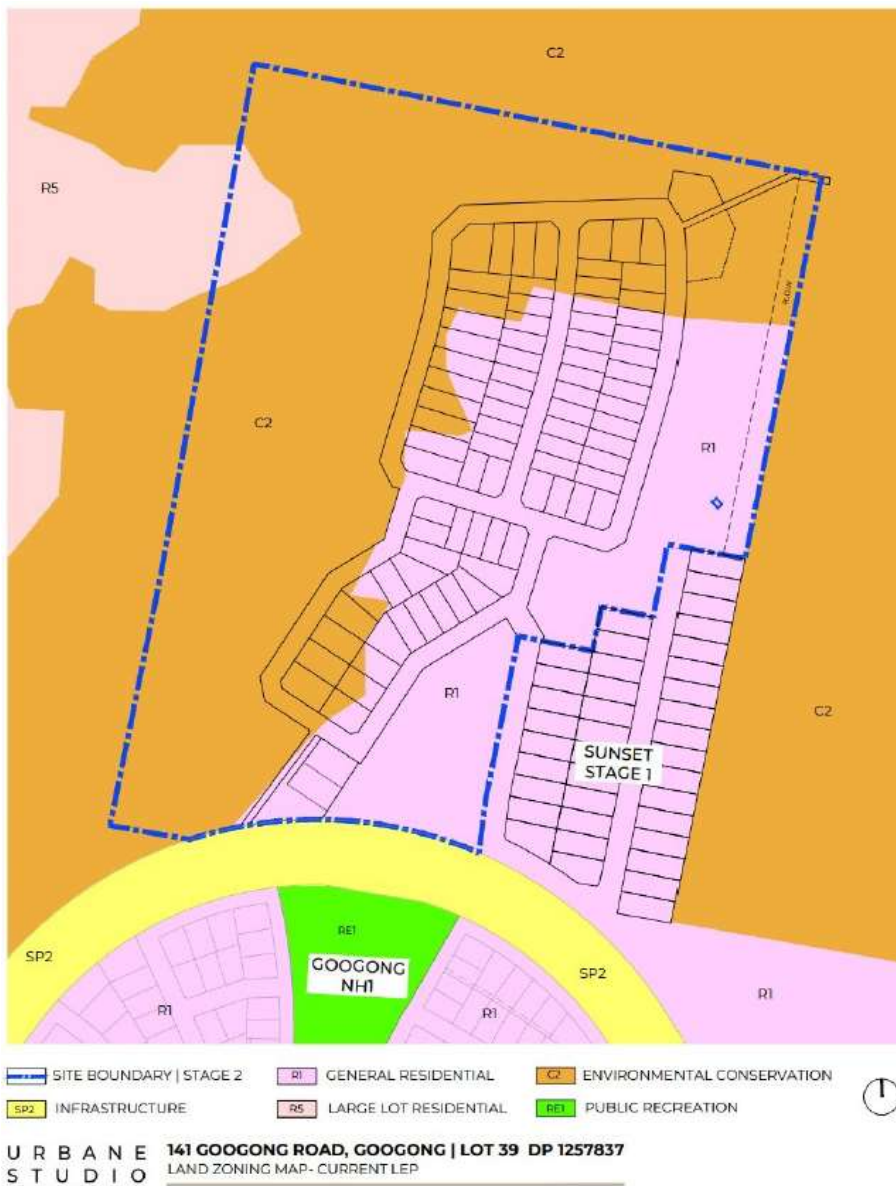


**Figure 2 Site context (source: Planning Proposal)**



## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Queanbeyan-Palerang LEP 2022 maps, which are suitable for community consultation.



**Figure 3 Current zoning map (source: Planning Proposal)**



Figure 4 Proposed zoning map (source: Planning Proposal)



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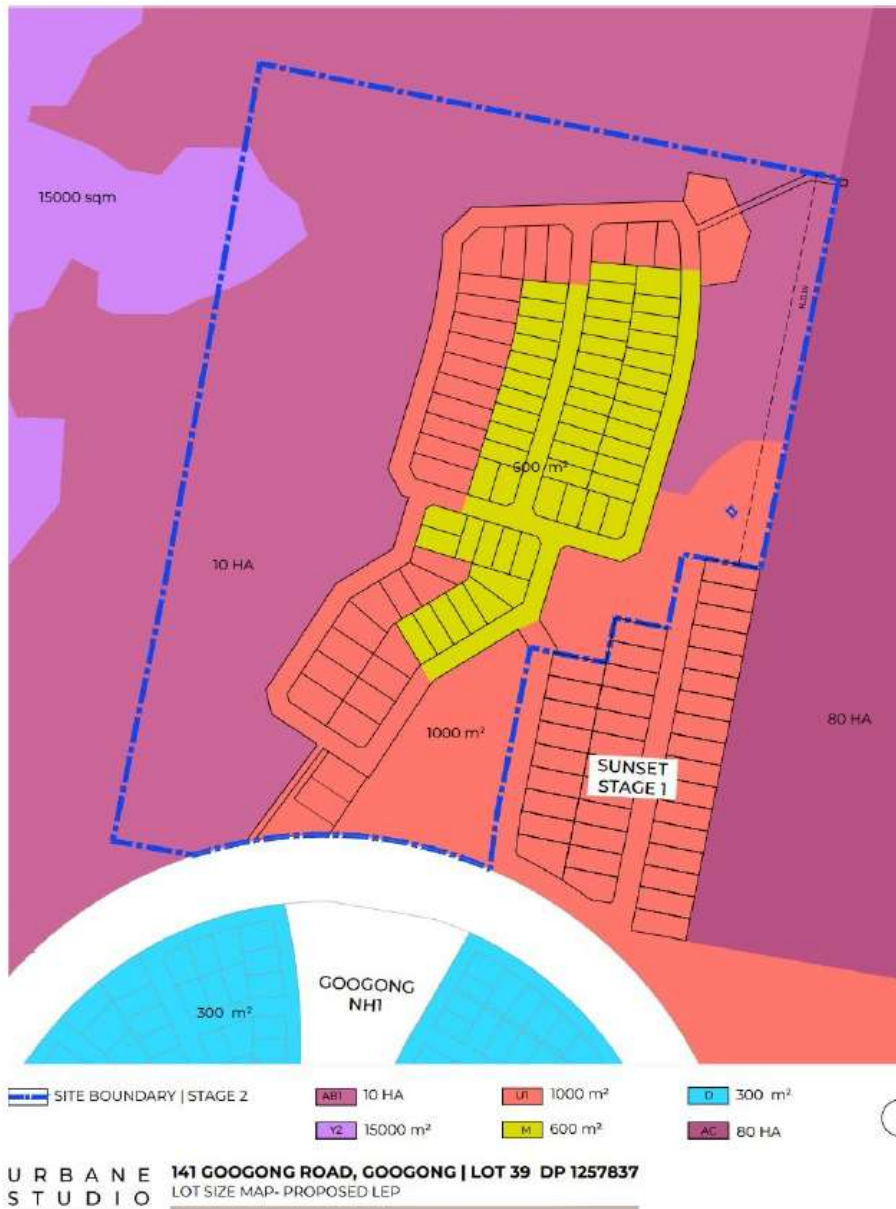
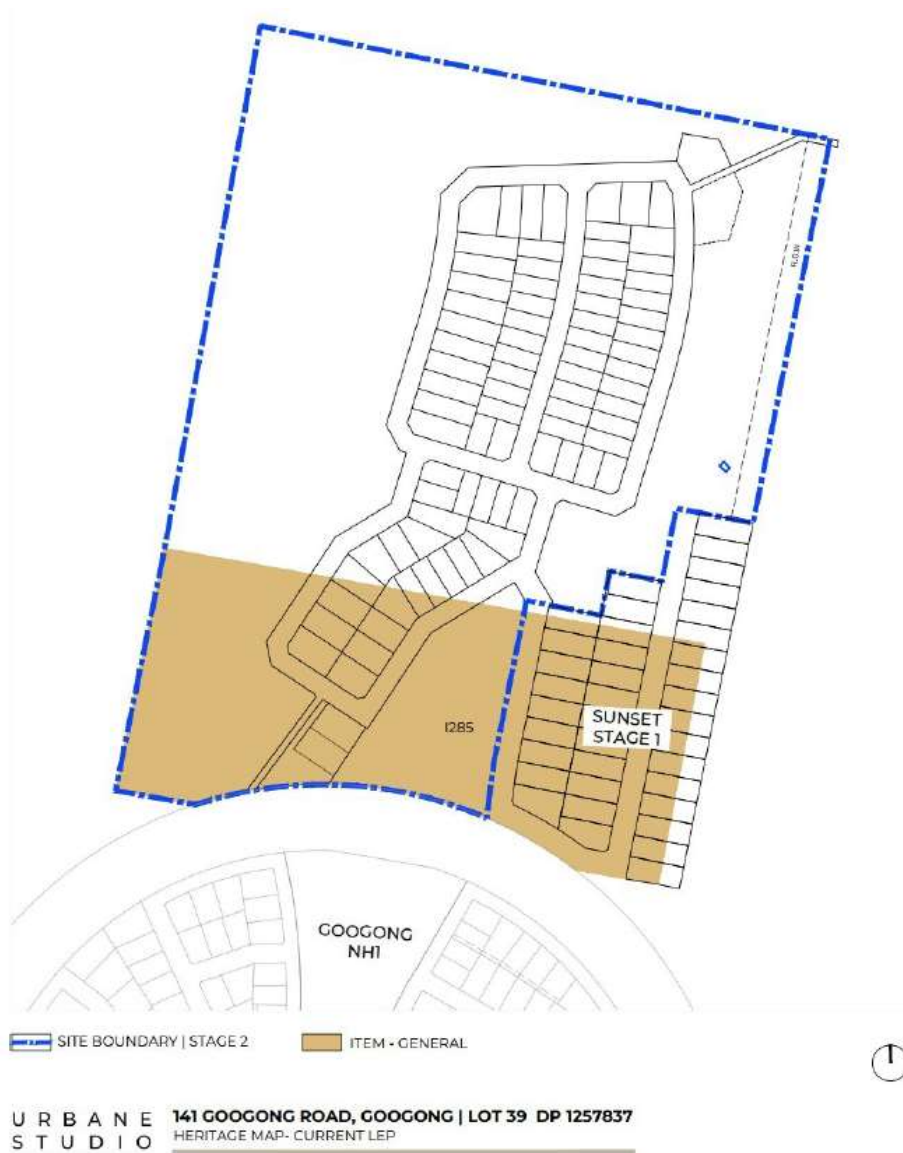


Figure 6 Proposed Lot Size map (source: Planning Proposal)



Figure 7 Current Height of Buildings map (source: Planning Proposal)





**Figure 9 Current heritage map (source: Planning Proposal)**





**Figure 10 Proposed heritage map (source: Planning Proposal)**

## 1.6 Background

In 2002, Council identified land at Googong for potential residential development, which led to the rezoning of Googong Township in 2009, based on a Local Environmental Study (LES) undertaken by Willana Associates. Specifically for PP-2024-2398, C2 Environmental Conservation zoning was applied to part of the Site, which was identified as potentially suitable for further investigation into private ownership and management strategies, including “Possible Environmental Protection or Eco-Living”. The LES noted that:

*“The potential for these parcels to sustain urban development is constrained by their proximity to environmentally sensitive areas; ... and visual prominence (in the case of the two pockets to the north of Googong Road [the site]). Residential densities within these pockets would need to... adequately protect the environmental and heritage qualities of adjoining sensitive land and avoid significant scenic impacts.” (Source: Planning Proposal).*



## 2 Need for the planning proposal

The planning proposal is not a direct result of any strategic study or report although a geotechnical assessment and a Stage 1 Biodiversity Assessment Method (**BAM**) report have been prepared to support the proposal. The planning proposal has been initiated by a proponent with support from Queanbeyan-Palerang Regional Council.

The planning proposal is needed to facilitate residential development whilst preserving areas of heritage and environmental significance. The requested changes, including zoning amendments, minimum lot size changes and aligning associated planning control maps with the new zone boundaries would be consistent with the surrounding Googong township.

The changes seek to promote urban development on suitable land, while protecting heritage and environmentally sensitive land uses nearby, potentially enabling 12 new lots.

## 3 Strategic assessment

### 3.1 Regional Plan

The proposal is largely consistent with the intent of the *South-East and Tablelands Regional Plan (SETRP) 2036* and the *Draft Southeast and Tablelands Regional Plan 2041*.

The Regional Plan and Draft Regional Plan recognise the need for appropriately located housing growth. The proposal relates to Direction 22 and Direction 25 of the SETRP 2036, which aim to build socially inclusive, safe and healthy communities while focusing housing growth in locations that maximise infrastructure and services.

The proposal also relates to Theme 2, Objective 5 and Theme 4, Objective 17 of the Draft SETRP 2041, which are to *protect important environmental assets* and *plan for a supply of housing in appropriate locations*, respectively.

The proposal is largely consistent with the Directions of the SETRP 2036 and the Objectives of the Draft SETRP 2041, as it will provide well-located housing that will enhance the community and economy of Googong while protecting EPBC-listed sensitive vegetation.

### 3.2 Local

The proposal states that it is consistent with the Towards 2040 Queanbeyan-Palerang Local Strategic Planning Statement. It is largely consistent with the strategic priorities and objectives, including:

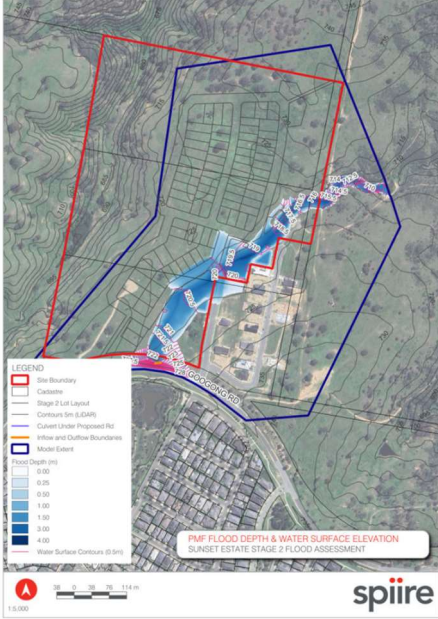
Planning Priority 2: active and healthy lifestyle, Planning Priority 4: promotion of local identity and the growth of local economy, Planning Priority 5: consideration of the environmental impacts of future development, Planning Priority 6: natural landscapes and water resources are sustainably managed, and Planning Priority 8: ensure the future planning for the region is well coordinated and provides for its sustainable management.

### 3.3 Section 9.1 Ministerial Directions

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

**Table 4 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The proposal is consistent with the South-East and Tablelands Regional Plan 2036 and assessment against the plan has been included
3.1 Conservation zones	Inconsistency justified	<p>The proposal is highlighted as correcting a zoning inconsistency and involves rezoning a portion of R1 General Residential land to C2 Environmental Conservation to protect the EPBC-listed Box-Gum Woodland.</p> <p>In return, a section of land currently zoned C2, assessed to have limited conservation value, is proposed to be rezoned to R1 General Residential. It is noted that there is a 2.8ha reduction in C2 zoned land.</p> <p>The proposal is inconsistent with this direction as it seeks to reduce the conservation standards of the existing C2 land by rezoning it to R1. However, this inconsistency is justified as a Stage 1 Biodiversity Assessment Method (BAM) report was prepared and the proposed rezoning is based on the conclusions.</p> <p>Referral to Biodiversity and Conservation will also ensure the environmental impacts of the proposal are considered.</p>
3.2 Heritage Conservation	Inconsistency justified	<p>The site contains the McCawley "Sunset" Homestead Complex, Heritage Item I285. This listing encompasses the entirety of the southern portion of the site and extends to Stage 1.</p> <p>It is proposed to amend the curtilage of the heritage item to align with the statutory planning framework with the existing land use. The impact on the heritage ruins has been thoroughly assessed as part of the development application process for sunset stage 1. This proposal is consistent with the recommendations outlined in the original heritage study and further advice from Council's Heritage Adviser.</p> <p>The proposal also included an Aboriginal Cultural Heritage Assessment.</p> <p>The proposal is inconsistent with this direction as it seeks to reduce the extent of a heritage listing however this is of minor significance as the impacts have been assessed as part of the DA. The proposal will ensure the outcomes of the DA is aligned with the LEP mapping.</p>

4.1 Flooding	Yes	<p>The proposal includes a flood impact study that identifies that the proposed new residential zoned land is not affected by the 1% Annual Exceedance Probability (AEP) scenario, nor the 0.5% AEP or 0.2% AEP scenarios. In the Probable Maximum Flood (PMF) scenario, the broader subdivision is affected, however the study notes that evacuation via Googong Road remains feasible even at the PMF and it is therefore considered that the proposal is consistent with the Direction. Consultation with DCCEEW Flooding is however to be required as part of the consultation process.</p> 
4.3 Planning for Bushfire Protection	Unresolved and consultation required	<p>The proposal is generally consistent with the Direction, having regard to Planning for Bushfire Protection (2019) and included assessment against the Direction. The proposal has also included assessment of the specific objectives of Planning for Bush Fire Protection, which would be further considered and included as requirements at any future development stage.</p> <p>Nonetheless as part of the site is mapped as bush fire prone land (see section 4.1), Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway determination and prior to undertaking community consultation. This forms part of the Gateway Conditions.</p> <p>Until this consultation has occurred the consistency with this Direction is considered unresolved.</p>
5.1 Integrating Land Use and Transport	Yes	<p>A traffic impact assessment has been provided, which concludes there is no reason the development should not proceed subject to implementation of various recommendations. Council is the authority of all surrounding local roads and further details and implementation of any recommendations can be undertaken at any future development application stage. Referral to Transport for NSW at this stage is not required.</p>

6.1 Residential zones	Yes	The proposal would facilitate residential houses by supporting sustainable development, utilising infrastructure while protecting key environmental areas.
9.2 Rural Land	Yes	The proposal is consistent with all aspects of the Rural Land direction, including:  Consistency with Planning Frameworks; Agricultural Significance; Environmental Protection; Natural and Physical Constraints; Fostering Investment; Impact on Rural Land Uses; Minimising Rural Land Fragmentation; State Significant Agricultural Land; and Balancing Community Interests.

### 3.4 State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The following provides an assessment of the potential environmental impacts associated with the proposal not already addressed in this assessment.

#### 4.1.1 Biodiversity

A portion of the site is classified as Box Gum Woodland identified under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Biodiversity Conservation Act 2016* (BC Act). The proposal's development footprint is located in areas devoid of significant biodiversity values, and excludes:

- 95% of BC Act native vegetation within the subject land;
- 90% of mature hollow-bearing trees within the subject land;
- 100% of the identified threatened flora/fauna credit-bearing species habitat;
- 87% of the BC Act listed Box-Gum Woodland that occurs in the subject land; and

- 100% of the EPBC Act listed Box-Gum Woodland that occurs in the subject land.



**Figure 11 areas of EPBC Act and BC Act listed Box-Gum Woodland within the subject land**

#### 4.1.2 Flooding

The site is identified as flood prone, as detailed in section 3.3, Ministerial Directions. The proposal has included a flood impact assessment study, which determined the 1%, 0.5% and 0.2% AEP scenarios do not affect the development footprint in the proposal. In the PMF event, flooding encroaches on the road adjacent to Googong Creek and overtops the proposed road crossing between Sunset Stage 1 and Sunset Stage 2. However, evacuation via Googong Road remains feasible through direct access via the south side of the site.

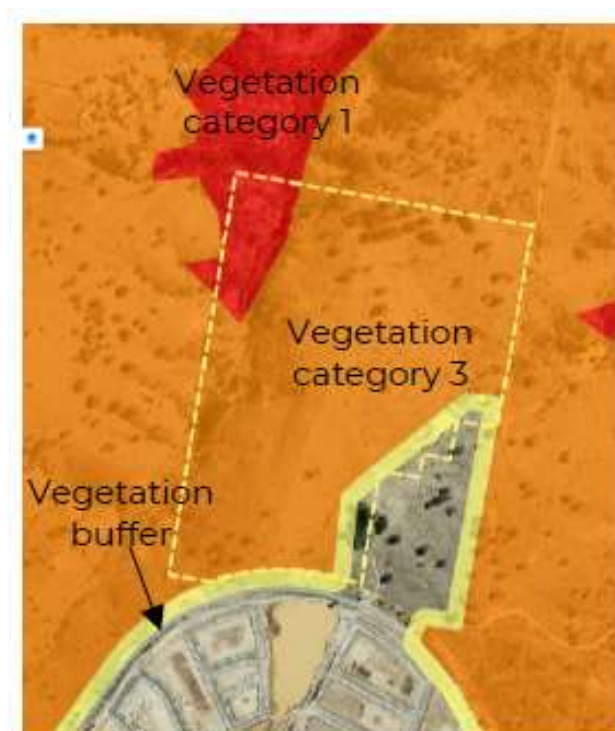
The study concludes the proposal would comply with relevant guidelines, including the Departments' *Shelter-in-Place guideline*.

#### 4.1.3 Bushfire

Most of the site is identified as bushfire prone land, including category 1, category 3 and vegetation buffer.

The proposal has included a bush fire report which indicates a moderate to high bushfire threat in the surrounding environment. However, the report indicates future development could comply with Planning for Bush Fire Protection (2019). Consultation with the NSW Rural Fire Service is required and forms part of the Gateway conditions (see section 3.3, Ministerial Directions).





**Figure 12 Bushfire prone land near the site**

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 5 Social and economic impact assessment**

Social and Economic Impact	Assessment
Aboriginal Heritage	<p>An Aboriginal Cultural Heritage Assessment is included in the proposal. The assessment has found five Aboriginal heritage sites, including two areas of Potential Archaeological Deposits (PAD). Testing revealed 37 artefacts with low density across the two PADs. As a result, the assessment concluded that conservation is deemed unnecessary.</p> <p>Consultation with the local Aboriginal community found no significant items that would prevent development in the site, following implementation of the recommended heritage management practices.</p>
European Heritage	<p>There is a heritage site within the proposal's development footprint, listed on the Queanbeyan-Palerang LEP 2022 in 2010 as the McCawley "Sunset" Homestead Complex, item 1285.</p> <p>For the subdivision application for Sunset Stage 1, Council's heritage advisor recommended mapping the heritage curtilage in planning documents with a curtilage of 30m x 30m around the ruins. The proposal is consistent with the recommendations outlined in the original heritage study and advice from Council.</p>



Social and Economic Impact	Assessment
Social and economic (demand and supply)	The proposal states that it “is expected to make a positive contribution to the immediate area by increasing the number of dwellings and diversifying housing types”. This site presents an opportunity to facilitate residential development and can be seen as a logical expansion of the residential area and would likely not have a significant impact on the adjoining land.

## 4.3 Infrastructure

The infrastructure report for the development of Sunset Stage 1 states “The infrastructure installed within the first stage has the residual capacity to extend for the future subdivision as provided within the proposal.

High level infrastructure needs and requirements will be assessed during consultation periods following Gateway determination. A follow up development application for subdivision purposes will require detailed infrastructure design.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

### 5.2 Agencies

It is recommended DCCEWW Biodiversity, Conservation and Sciences Division and DCCEWW Flooding and NSW RFS be consulted on the planning proposal and given 30 working days to comment.

## 6 Timeframe

Council does not propose a 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 standard. It is considered appropriate to set a 9 month timeframe. A condition to the above effect is recommended in the Gateway determination.

## 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 for a local level rezoning, lot size change and amendments to relevant maps, 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:

- It facilitates urban development while protecting environmental attributes.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 3.1 Conservation Zones and 3.2 Heritage Conservation are minor or justified.
- Note that the consistency with section 9.1 Directions 4.3 Planning for Bush Fire Protection is unresolved and will require justification.

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:

The planning proposal is to be updated to include:

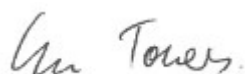
1. Consultation with the NSW RFS is required prior to community consultation to affirm consistency with Ministerial Direction 4.3 Planning for Bushfire Protection.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities:
  - DCCEEW Biodiversity, Conservation and Science Division
  - DCCEEWW Flooding

Public authorities are to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority.

The timeframe for the LEP to be completed is on or before 28 November 2025



17/2/2025

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