

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.4 Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore (Ref: ; Author: Ormella/Kurzyniec)

File Reference: PP.2024.0007

Recommendation

That Council:

- 1. Approve the progress of the draft planning proposal to amend the Queanbeyan-Palerang Regional Local Environment Plan 2022 by rezoning the following:**
 - a) Lot 2 DP 548291, 7 Halfway Creek Road, Bungendore and the unformed public road dissecting the southern portion of this lot, from zone RE1 Public Recreation to RU1 Primary Production.**
 - b) Council-owned community land at 15 Halfway Creek Road, Bungendore (Lot 1 DP 1262898) from zone RU1 Primary Production to RE1 Public Recreation to develop an indoor aquatic centre.**
 - 2. Forward the planning proposal to the NSW Department of Planning, Housing and Infrastructure (DPHI) requesting a Gateway determination.**
 - 3. Request delegation of Plan making powers, for this planning proposal.**
 - 4. Undertake agency consultation and public exhibition according to any requirements of the Gateway determination.**
 - 5. Should no objections be received, undertake the necessary actions to finalise the making of the Queanbeyan-Palerang Regional Local Environmental Plan 2022.**
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Summary

The purpose of this report is to advise Council that a planning proposal has been prepared to amend the Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022) by rezoning land related to the Bungendore Sports Hub and land previously reserved for the purpose. This will ensure the land use zone is consistent with the purpose of the land including ensuring an indoor aquatic centre is permissible at the Sports Hub. The draft planning proposal forms Attachment 1 to this report.

The report seeks Council endorsement to progress the planning proposal to request a Gateway determination and then to public exhibition, subject to the conditions of the Gateway determination.

Background

The 2015 Palerang Sports Needs Analysis identified a gap in the provision of sports facilities in Bungendore. Council at the time resolved to acquire land along the north side of Bungendore Road (Lot 2 DP 548291 and the unformed public road dissecting the southern portion of this lot) to develop a sports facility to cater to current and future sporting needs. The site was subsequently rezoned RE1 Public Recreation (under the former Palerang Local Environmental Plan 2014) and included on the Land Reservation (LRA) map in the Local Environmental Plan.

The Queanbeyan-Palerang Sports Facilities Strategic Plan 2017 provides for the establishment of a Sports Hub, rather than a single standalone sports field and supports the Bungendore Sports Hub concept.

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Following the adoption of the Queanbeyan-Palerang Sports Facilities Strategic Plan 2017, staff made approaches to the property owner of Lot 2 DP 548291 on Bungendore Road with the view to negotiating the acquisition of land for the Sports Hub. As part of the negotiations, the property owner argued that Lot 2 DP 548291 was flood-prone and of high agricultural value and put forward alternative land. The property owner identified land they owned on the south side of Bungendore Road and was of the view that this land would be more suitable for the development of the Bungendore Sports Hub. This was supported by Council and led to the land being subdivided and the construction of the Bungendore Sports Hub on the allocated Lot 1 DP 1262898.

To deal with the land that was no longer needed, on 22 August 2018 (**Resolution No 272/18**) Council resolved item 2b of five items the following:

- 2 Negotiate a Deed of Agreement for the acquisition of the land and a development lease to enable works to commence as soon as possible on the development of the Sports Hub with provisions of the following elements in the Agreements:
 - a. Potential uses for residential, caravan park and service centre uses subject to normal planning and environmental assessments and reports, having regard to the Bungendore Structure Plan, and subject to formal receipt of a planning proposal from the applicant.
 - b. Investigate the rezoning of Lot 2 DP 548291 to a zoning that reflects the current use being rural and agricultural activities as part of the comprehensive review of the QPRC Local Environmental Plan.

Part of this planning proposal is to complete the above Council resolution.

Report

This planning proposal will amend the Local Environmental Plan (LEP) maps and rezone the privately owned land at 7 Halfway Creek Road, Bungendore (Lot 2 DP 548291 and the unformed public road dissecting the southern portion of this lot) from RE1 Public Recreation to RU1 Primary Production. Consequently, it will also remove the land from the land reservation (LRA) map as it is no longer needed for the Bungendore Sports Hub.

This will remove the land acquisition option from the site and return the surrounding rural zoning together with the available rural land uses and development potential.

This planning proposal will also amend the Local Environmental Plan (LEP) maps and rezone the Council-owned community land at 15 Halfway Creek Road, Bungendore (Lot 1 DP 1262898) from RU1 Primary Production to RE1 Public Recreation. This will recognise the recreational purpose of the land and also enable a wider range of recreation development, such as Recreational facilities (indoor) which includes an indoor swimming pool (aquatic centre), to be constructed on the land. Currently under the RU1 Primary Production zoning, Recreational facilities (indoor) are prohibited.

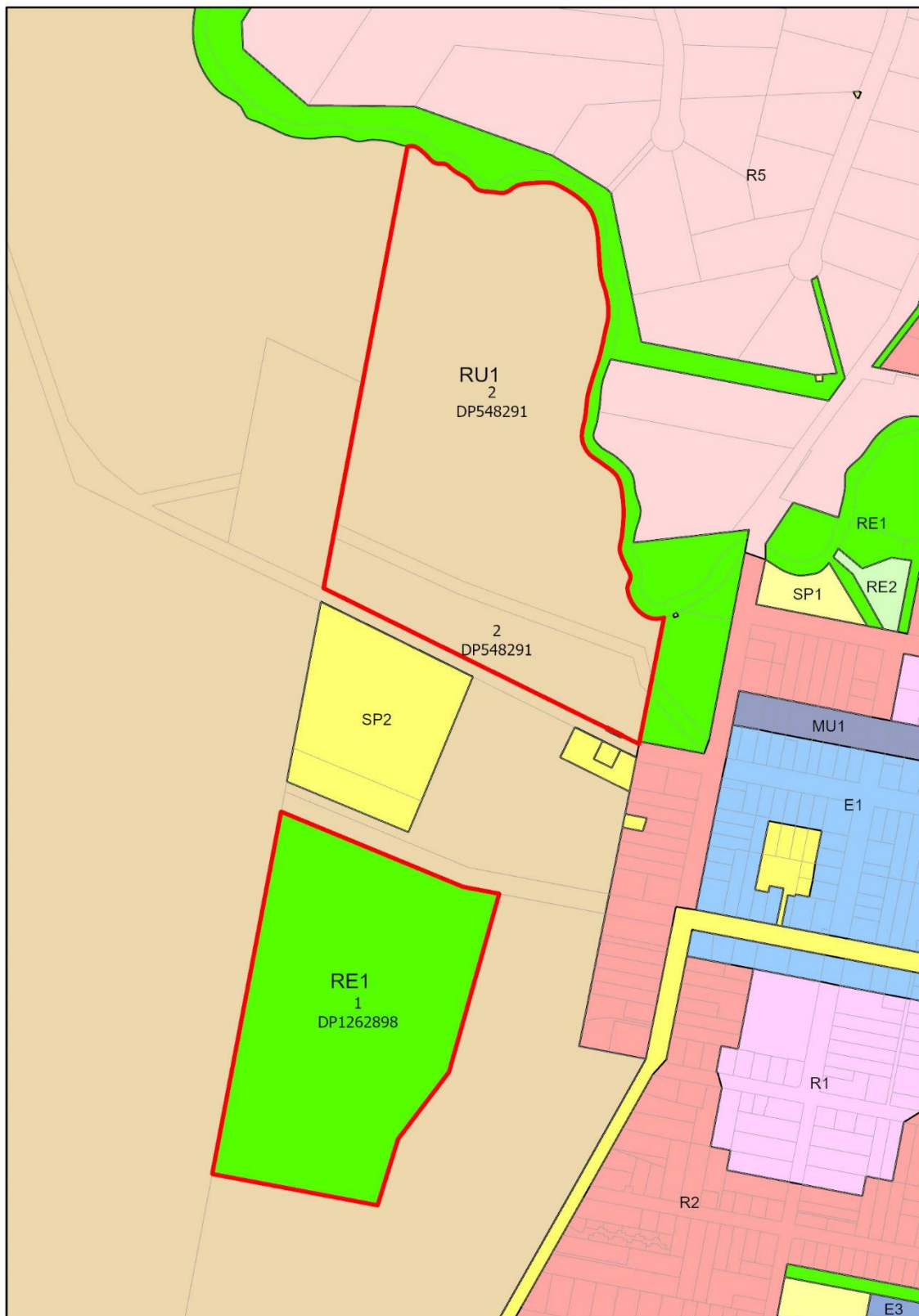
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Figure 1 – Map of the proposed zoning - 7 Halfway Creek Road, Bungendore (Lot 2 DP 548291 and the unformed public road dissecting the southern portion of this lot) and 15 Halfway Creek Road, Bungendore (Lot 1 DP 1262898)

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Subject to Council's endorsement, the draft planning proposal will be submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) to seek a Gateway determination. This submission will also include the request for Council to have delegation to make the Plan. This is appropriate given the more administrative nature of this proposed amendment.

Once a Gateway determination is received from the DPHI, the proposal will be placed on public exhibition for a minimum of 28 days. Should there be any submissions received, a further report to Council will be prepared on the outcomes of the public exhibition with a recommendation as to whether the rezoning of two lots together with other associated maps should be finalised.

Where there are no submissions received, the planning proposal will be prepared for finalisation.

Risk/Policy/Legislation Considerations

The draft planning proposal has been prepared following the relevant provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning Assessment Regulations 2021.

Financial, Budget and Resource Implications

Financial implications include the staff costs to process the planning proposal including public exhibition. The review is not identified as a project in the Delivery Program, however, is consistent with Council's ongoing obligations regarding the rezoning of Council-owned land and the management of assets.

Links to QPRC/Regional Strategic Plans

The draft planning proposal regarding the privately owned land is consistent with the Queanbeyan-Palerang Regional Council Local Strategic Planning Statement – Towards 2040 (LSPS).

Community – 4.7 Planning priority 7 – We actively promote and implement sound resource conservation and good environmental practice.

“The community applies good environment practice in their activities.”

Outcomes

- Primary production and extractive industries are protected from land-use conflict.
- Sustainable and diverse rural land uses are promoted.
- Opportunities for farming and agricultural uses of land are supported.

Actions:

- 4.7.1 – Protect primary production, and ground water and extractive industries, together with the other parts of the supply chains, including freight and logistics facilities, from surrounding land-use conflict.
- 4.7.2 – Minimise fragmentation of rural land.
- 4.7.3 – Ensure primary production and extractive industries are undertaken in a sustainable manner.
- 4.7.6 – Protect important agricultural land and when available, review the important agricultural land mapping for inclusion in reviews of LEP and DCPs.

The draft planning proposal regarding Council-owned community land is consistent with the Queanbeyan-Palerang Regional Council Local Strategic Planning Statement – Towards 2040 (LSPS).

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Planning Actions for Bungendore - Community – 4.10 Planning Priority 10 – We Plan for and provide regional facilities which promote better social connection and access for the community.

Outcomes:

- Identify and construct parks and recreation facilities that provide for the needs of the local and regional population.

Actions:

- 4.10.2 - Zone land and construct new Sports Hub at Bungendore and the Community Strategic.

The Queanbeyan-Palerang Sports Facilities Strategic Plan 2024 states that the Bungendore Sports Hub is strongly supported as the best option for future sports and recreation planning needs for Bungendore. It also will provide for the replacement of aquatic facilities in Bungendore.

The planning proposal can facilitate the delivery of a new swimming pool for Bungendore as identified in the QPRC Aquatics Strategic Plan, by ensuring the development proposal is permissible. Planning has begun for the swimming pool and recent Council resolutions endorsing the project are below:

On 28 June 2023, Council endorsed the concept plans for the new Bungendore Pool as an enclosed aquatic facility, with an eight-lane 25m heated swimming pool, a wet play area, amenities, canteen/café area, playground and shade structures at the new Bungendore Sports Hub on Halfway Creek Road (**Resolution No 239/23**).

On 14 August 2024, Council approved the relocation of the Bungendore Aquatic Centre to its original northern site adjacent to the netball courts at the Bungendore Sports Hub (**Resolution No 384/24**). This site is above the flood zone and further away from the local creeks and watercourses.

Conclusion

The Planning Proposal for the rezoning of the privately owned land at 7 Halfway Creek Road, Bungendore (Lot 2 DP 548291 and the unformed public road dissecting the southern portion of this lot) from zone RE1 Public Recreation to RU1 Primary Production will action the Council resolution from 22 August 2018 (**Resolution No: 272/18**).

The rezoning of Council owned community land at 15 Halfway Creek Road, Bungendore (Lot 1 DP 1262898) from zone RU1 Primary Production to RE1 Public Recreation and associated maps will allow the development of recreational facilities (indoor) such as an indoor aquatic centre.

In rezoning these two parcels of land the planning proposal will also update the other consequential Local Environmental Plan maps including the Land Reservation (LRA) map, to be consistent with the proposed zoning.


The indoor aquatic centre at the Bungendore Sports Hub at 15 Halfway Creek Road, Bungendore, is supported by the Queanbeyan-Palerang Sports Facilities Strategic Plan 2024 and the draft QPRC Aquatic Strategic Plan 2023.

Accordingly, it is recommended that Council support the draft planning proposal being forwarded to the DPHI seeking a Gateway determination and requesting the delegation to

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make the plan. Subject to receipt of a Gateway determination, it is also recommended that the draft planning proposal be placed on public exhibition as per any conditions of the Gateway determination. Where there are no objections received, it is proposed to complete the necessary actions to finalise the amendment to the Queanbeyan-Palerang Regional Local Environmental Plan 2022.

Attachments

Attachment 1  Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore (*Under Separate Cover*)

472/24 **9.4 Planning Proposal to Rezone Land at 7 and 15 Halfway Creek Road, Bungendore**
RESOLVED (Schweikert/Preston)

That Council:

1. Approve the progress of the draft planning proposal to amend the Queanbeyan-Palerang Regional Local Environment Plan 2022 by rezoning the following:
 - a. Lot 2 DP 548291, 7 Halfway Creek Road, Bungendore and the unformed public road dissecting the southern portion of this lot, from zone RE1 Public Recreation to RU1 Primary Production.
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3. Request delegation of Plan making powers, for this planning proposal.
4. Undertake agency consultation and public exhibition according to any requirements of the Gateway determination.
5. Should no objections be received, undertake the necessary actions to finalise the making of the Queanbeyan-Palerang Regional Local Environmental Plan 2022.

The resolution was carried unanimously.

473/24 **9.5 Street Naming Proposal - Estate 2 Stage 2B - South Jerrabomberra Urban Release Area at Tralee**
RESOLVED (Preston/Wilson)

That Council:

1. Adopt in principle the following proposed names, Calathea Loop and Pandorea Way, for two new roads created within Stage 2B of Estate 2 at the South Jerrabomberra Urban Release Area.
2. Exhibit the names for public comment for 28 days.
3. Publish a notice in the NSW Government Gazette if no objections are received.

The resolution was carried unanimously.