

REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.5 Planning Proposal to Reclassify 19 Gibraltar Street, Bungendore from Community to Operational Land (Ref: ; Author: Ormella/Kurzyniec)

File Reference: PP.2023.0007

Recommendation

That Council:

1. Approves the progress of the draft planning proposal to reclassify Lot 8 Section 11 DP 758183 19 Gibraltar Street, Bungendore from 'community land' to 'operational land' under the *Local Government Act 1993*, and upon completion, it be forwarded to the NSW Department of Planning and Environment to seek a Gateway determination.
 2. Receive a further report, following receipt of a Gateway determination so that the draft planning proposal be placed on public exhibition in accordance with any conditions in the Gateway determination.
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Summary

The purpose of this report is to advise Council that a planning proposal is currently being prepared to reclassify land at 19 Gibraltar Street Bungendore - Lot 8 Section 11 DP 758183 from community to operational status under the *Local Government Act 1993*, and to seek endorsement for it to progress.

The reclassification from community land to operational is required to facilitate the development of the site for Council offices. Operational land is not generally open to the public but may be used for public purposes such as work depots or council offices.

Background

All public land owned by Council must be classified as either 'Community' or 'Operational' land. Operational land has no special restrictions other than those that may apply to any piece of land. The classification of operational land is used for Council facilities including Council offices, sewage treatment plans, water treatment plants, depots, impound yards, pounds and the like.

Community land is different. Classification as community land reflects the importance of the land to the community because of its use (such as Natural Area, Sportsgrounds, Parks or General Community Use) or special features. It is land intended for public access and use, or where other restrictions apply to the land creating some obligation to maintain public access (such as a trust deed). Community land cannot be sold, or cannot be leased, licenced or any other estate granted over the land for more than 21 years and must have a plan of management prepared for it. The classification of community land is used for council's parks, community centres, sports fields, swimming pools and recreation centres and the like.

The property 19 Gibraltar Street Bungendore - Lot 8 Section 11 DP 758183 is currently vacant, and the land is intended to be used for the future construction of a new QPRC Council office which would include the library, meeting spaces and community centre rooms.

9.5 Planning Proposal to Reclassify 19 Gibraltar Street, Bungendore from Community to Operational Land (Ref: ; Author: Ormella/Kurzyniec) (Continued)

The settlement of the purchase by Council of 19-21 Gibraltar Street Bungendore (Lot 8 Sec 11 DP 758183) occurred on 5 August 2021. Following Council's acquisition of the subject land, the status of the site defaulted to 'community' land.

Report

To facilitate the development of the 19 Gibraltar Street Bungendore - Lot 8 Section 11 DP 758183 for Council offices, the classification of the land under the *Local Government Act 1993* needs to be changed from 'community' to 'operational'. The mechanism to do this is through a Planning Proposal. As such, a draft planning proposal is being prepared to reclassify the subject land by amending the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* to include the subject land in Part 1 of Schedule 4 of the plan (no interests changed). Consistent with the provisions of clause 5.2(2), this will have the effect of reclassifying the land as intended.

When the draft planning proposal is completed, the next step will be to submit it to NSW Department of Planning and Environment (DPE) to seek a Gateway determination. Once a Gateway determination is received from DPE, the proposal will be placed on public exhibition for a minimum of 28 days.

After the public exhibition period has ended, an independent chairperson will be appointed to convene a public hearing. The *Local Government Act (1993)* requires that an independent consultant is engaged to conduct and report on the outcomes of the public hearing.

Once the report is finalised by the independent chairperson, staff will prepare a further report to Council on the outcomes of the exhibition and a recommendation as to whether the reclassification should be finalised.

Risk/Policy/Legislation Considerations

The draft planning proposal is being prepared following the relevant provisions of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2021*, and the *Local Government Act 1993*.

Financial, Budget and Resource Implications

Financial implications include the staff costs to process the planning proposal including public exhibition. There will also be a cost of engaging an independent consultant to run and report on the public hearing will be covered by the relevant project budget.

The review is not identified as a project in the Delivery Program, however, is consistent with Council's ongoing obligations regarding the classification of Council-owned land and the management of assets.

Links to QPRC/Regional Strategic Plans

The draft planning proposal is considered to be consistent with the Queanbeyan-Palerang Regional Council Local Strategic Planning Statement (2020) and the Queanbeyan Residential and Economic Strategy (2031).

The draft planning proposal aligns with the Pillars in the Community Strategic Plan 2042, and specifically the strategic objective providing a robust planning system that provides for zoned and serviced land that supports affordability and choice to liveability of the area.

**9.5 Planning Proposal to Reclassify 19 Gibraltar Street, Bungendore from
Community to Operational Land (Ref: ; Author: Ormella/Kurzyniec) (Continued)**

Conclusion

The land at 19 Gibraltar Street, Bungendore was purchased by Council for the construction of new council offices in Bungendore. The classification of the land has defaulted to 'community land' and this is required to be changed to allow future construction of council offices. A planning proposal is the mechanism to reclassify 19 Gibraltar Street, Bungendore from 'community land' to 'operational land' under the *Local Government Act 1993*.

The net community benefit in preparing the Planning Proposal is to reclassify this land to ensure that the land is consistent with other similar Council assets. This allows flexibility in managing the land for its highest best use in the future, including the redevelopment.

Accordingly, it is recommended that Council now agree to the draft Planning Proposal being formally progressed. The draft Planning Proposal to achieve this outcome is being prepared and upon its completion, it is recommended that Council support it being sent to NSW DPE for a Gateway determination. Subject to receipt of a Gateway determination, it is also recommended that the draft planning proposal will be placed on public exhibition as per any conditions of the Gateway determination.

Attachments

Nil

4. Prepare the draft Braidwood Structure Plan taking into consideration the issues raised in submissions from the Braidwood community and stakeholder agencies, as identified by theme in Figure 1 of this report and in the attached Submissions Assessment (Attachment 2).

The resolution was carried unanimously.

9.4 Road Naming - Proposed New Road Name - Marland Court

491/23

RESOLVED (Grundy/Wilson)

That Council:

1. Adopt in principle the name 'Marland Court' as the proposed name for the first of two new roads located off Environa Drive, Environa created under Condition #69 Development Consent DA.2021.1153 and DA.2021.1153.A.
2. Advertise the proposed road name for public comment for 28 days.
3. Publish a notice in the NSW Government Gazette for the road name 'Marland Court' if no objections are received during the advertising period.

The resolution was carried unanimously.

9.5 Planning Proposal to Reclassify 19 Gibraltar Street, Bungendore from Community to Operational Land

492/23

RESOLVED (Willis/Grundy)

That Council:

1. Approves the progress of the draft planning proposal to reclassify Lot 8 Section 11 DP 758183 19 Gibraltar Street, Bungendore from 'community land' to 'operational land' under the Local Government Act 1993, and upon completion, it be forwarded to the NSW Department of Planning and Environment to seek a Gateway determination.
2. Receive a further report, following receipt of a Gateway determination so that the draft planning proposal be placed on public exhibition in accordance with any conditions in the Gateway determination.

The resolution was carried unanimously.