



IRF 24/633

Gateway determination report – PP 2024-509

Reclassification 19 Gibraltar Street Bungendore

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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 - 19 Gibraltar Street Bungendore
NUMBER	PP_2024_509
LEP TO BE AMENDED	Queanbeyan Palerang Regional LEP 2022
ADDRESS	19 Gibraltar Street Bungendore
DESCRIPTION	Lot 8, Section 11, DP758183
RECEIVED	8/03/2024
FILE NO.	EF24/4267 IRF24/633
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:

- facilitate the construction of a new Queanbeyan-Palerang Regional Council (QPRC) building to carry out Council functions on the land

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal states that Council seeks to amend the Queanbeyan-Palerang Regional Environmental Plan 2022 to reclassify the subject land from 'community' to 'operational' to allow for the construction of a new Council building. This will be done by including the subject land in Part 1 of Schedule 4 (no interests changed) of the LEP.

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 subject site is known as 19 Gibraltar Street, Bungendore, is a rectangular block of 2023m² in area on the corner of Gibraltar Street, the main street of Bungendore, and Ellendon Street in Bungendore.

The site is currently vacant, cleared land and is zoned E1 Local centre under the Queanbeyan Palerang Regional LEP 2022.

The site adjoins commercial development to the west and south and residential dwellings across the road.



Figure 1 Subject site (source: Planning Proposal)

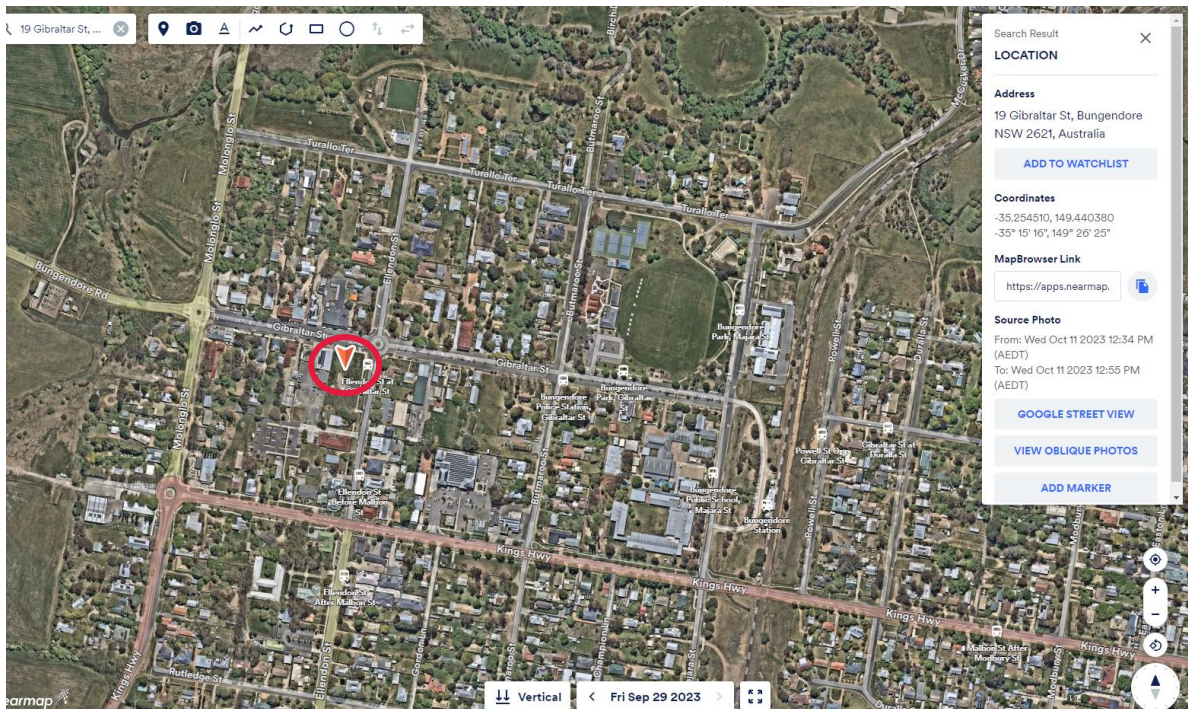


Figure 2 Site context (source: Nearmap)

1.5 Mapping

The planning proposal includes mapping clearly showing the land subject to the planning proposal, and a map showing the zoning, which are suitable for community consultation. The planning proposal does not involve any changes to LEP maps as the proposal relates to the whole site and therefore the Part Lot reclassification LEP map is not applicable.

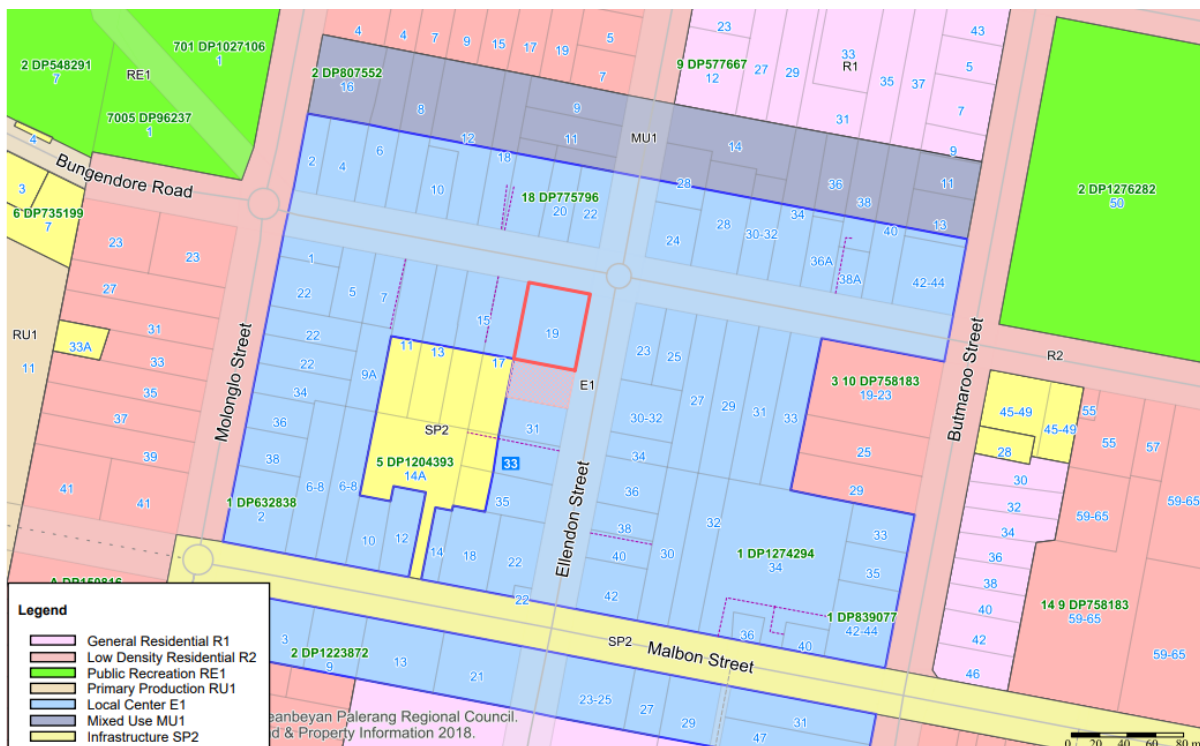


Figure 3 Zoning Map (Source: Planning Proposal)

2 Need for the planning proposal

The planning proposal states that it is not the result of any strategy, study or report and that consultation with the community will be required both as part of the planning proposal process and under the provisions of the Local Government Act.

Council has stated that the need for the planning proposal is to comply with Section 31. (2) (2A) of the *LG Act*, where 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 to amend the LEP is the only mechanism that allows for reclassifying the subject land from 'community' to 'operational'.

The Department agrees there is no other mechanism for Council to achieve the intended outcomes of the planning proposal.

3 Strategic assessment

3.1 Regional Plan

The South East and Tablelands Regional Plan 2036 applies to the subject site, as does the draft South East and Tablelands Regional Plan 2041.

An assessment of the proposal against the 2036 plan shows that the proposal is not inconsistent with the Regional Plan, and no specific actions goals or directions of the plan are directly relevant to this planning proposal.

The planning proposal discusses its alignment with Objective 3 of the *Draft Southeast and Tablelands Regional Plan 2041*, which aims to "Support diverse, vibrant and socially active communities." It establishes that the new council building to be constructed on the subject land will incorporate a community centre and library, facilitating a high-quality public domain that promotes social gathering and engagement.

The Department is confident that the planning proposal is not inconsistent with either the current or draft South East and Tablelands Regional Plans.

3.2 Local

The proposal states that it is consistent with the applicable QPRC Local Strategic Planning Statement Priority 10 - *We plan for and provide regional facilities which promote better social connection and access to the community* in that it seeks to provide an opportunity for the provision of a new Council facility to cater for the needs of the people of Bungendore and surrounds.

The Department agrees that the proposal seeks to provide improved Council services and facilities to the Bungendore and surrounding communities and is therefore considered to be consistent with Councils Local Strategic Planning Statement. No other local plans are considered relevant.

3.3 Section 9.1 Ministerial Directions

Council has prepared a table addressing the planning proposal's consistency/applicability across all section 9.1 Directions. The Department's assessment below is limited only to those specifically applicable to the proposal, or that are of other particular relevance to it:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	<i>As noted in section 3.1 above, the Department considers the proposal to be not inconsistent with the South East and Tablelands Regional Plan 2036, and is consistent with the Draft South East and Tablelands Regional Plan 2041.</i>
1.3 Approval and Referral Requirements	Yes	<i>The Proposal does not contain provisions that will impede the efficient and appropriate assessment of development.</i>
4.1 Flooding	Not Applicable	<p>The planning proposal notes that the subject land is identified as flood prone in the Bungendore Floodplain Risk Management Plan adopted by the QPRC.</p> <p>Further investigation and flood impact and risk assessment report may be required at the development application (DA) stage.</p> <p><i>The Department notes that this Direction does not technically apply as the proposal does not propose to create, remove or alter a zone or a provision that affects flood prone land.</i></p> <p><i>It is however acknowledged that flooding will need to be a consideration of any subsequent development application.</i></p>
5.2 Reserving Land for Public Purposes	Not Applicable	<p>The proposal notes that no reduction in land available for public reserves and facilities will result. The land was purchased from a private landowner and is not intended to be used as public land.</p> <p><i>The Department agrees that the land never formed part of the public reserve network and was purchased for a specific purpose being the construction of a new Council building complex. Therefore, despite the land being reclassified, no reduction in public reserve land is proposed and the Direction therefore does not apply.</i></p>

The Department is satisfied that the planning proposal is consistent with all applicable and relevant Ministerial Directions.

3.4 State environmental planning policies (SEPPs)

An assessment of the planning proposal, which applies only to an existing council owned vacant site and involves only reclassification of the site from 'Community' to 'Operational' Land with no interests changing, and not proposing any change of applicable planning controls or permissible land uses is therefore not considered to be inconsistent with any applicable SEPPs.

No further assessment or consideration in this regard is considered necessary.

4 Site-specific assessment

4.1 Environmental

The planning proposal states that the subject site does not include land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats.

The proposal notes that flood modelling completed as part of the Bungendore Floodplain Risk Management Study (WorleyParsons, 2014) indicates that part of the subject land is flood affected.

The Department, noting that the proposal relates only to the reclassification of existing Council owned land, and does not proposed changes to any applicable development controls, does not consider the planning proposal to have any likely negative impacts on the environment.

Any environmental considerations, including potential flood impacts will be able to be appropriately considered and addressed through any subsequent development assessment process.

4.2 Social and economic

The planning proposal seeks to facilitate the development of a new Queanbeyan Palerang Regional Council office and community facilities building in Bungendore.

The Department acknowledges that new Council facilities will have benefits for residents, and provide employment, community and social benefits including a library and meeting rooms available for community use.

4.3 Infrastructure

The planning proposal notes the land is at a central location within the Bungendore town area, within the middle of the employment zone, and is surrounded by commercial and retail establishments. Councils Infrastructure mapping reveals access to comprehensive services, including water, sewer, gas, stormwater drainage, and electricity. Further, Council notes that any additional services required for the development may be subject to conditions during the Development Assessment (DA) stage.

The planning proposal has no requirements for state or federal government infrastructure.

The Department agrees that the servicing available at the subject land is adequate for any development that may result from this planning proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered more than appropriate, and a minimum 20 day period in line with the guidelines forms a condition of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

Given the minor nature of the proposal involving only a reclassification of Council owned land, and that the development potential of the site will not change as a result of the proposal, consultation with Government agencies is not recommended to be required.

6 Timeframe

Council proposes a 5 month 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 30 September 2024 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 only involves the reclassification of land and does not propose any amendment to planning provisions, nor does it seek to change any trusts, estates, interests, dedications, conditions, restrictions, or covenants on the land, 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 planning proposal represents a reclassification of land, acquired specifically for the purpose of a Council building to better service the needs of the Bungendore Community. No interests are changing, nor being discharged.
- No planning provisions are being changed, and the reclassification does involve a change to any trusts, estates, interests, dedications, restrictions, or covenants on the land.

9 Recommendation

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. 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 30 September 2024 be included on the Gateway.



26/3/24

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